

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEW HAMPSHIRE**

HIREN KORAT

Plaintiff,

v.

Case No.:

**KIRSTJEN NIELSEN, Secretary,
Department of Homeland Security;**

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;**

**L. FRANCIS CISSNA, Director, United
States Citizenship and Immigration
Services;**

**DENIS RIORDAN, District 1 District
Director, United States Citizenship
and Immigration Services;**

**ANDREA ROGERS, Manchester Field
Office Director, United States Citizenship
and Immigration Services;**

**UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES;**

**PATRICK M. SHANAHAN, Acting
Secretary, Department of Defense;**

**ROBERT WILKIES, Under Secretary of
Defense for Personnel and Readiness;**

**UNITED STATES DEPARTMENT OF
DEFENSE;**

Defendants.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DEMAND
FOR JURY TRIAL**

INTRODUCTION

This is a civil rights action on behalf of United States Army Specialist Hiren Korat (“Plaintiff” or “SPC Korat”) to compel the United States Citizenship and Immigration Services (“USCIS”) to complete his naturalization process. SPC Korat is a lawfully present immigrant from India. He entered the United States lawfully on an F1 (student) visa and currently holds an H1B (temporary working status) visa. In 2016, while in lawful status, he enlisted in the United States Army through the Military Accessions Vital to the National Interest (“MAVNI”) program of the Department of Defense (“DoD”), which recruits immigrants like SPC Korat who have demonstrated medical or language skills deemed by the military to be vital to our nation’s defense. Under the law, his military service renders him eligible, on an expedited basis, to become a naturalized United States citizen.

SPC Korat fulfilled his end of the bargain, but the United States government has not. He has honorably served in the Army for more than two years, and he has impressed his colleagues and superior. The Commanding Officer of SPC Korat’s unit, states that he has “demonstrated the skills, dedication, and moral character of a good soldier” and is “an important member of [the] unit and his education and skills are highly sought after in the U.S. Army.” SPC Korat submitted his naturalization application on July 12, 2017, more than 18 months ago. Yet, despite the fact that SPC Korat is entitled to naturalize without delay, and despite the fact that he meets all of the eligibility conditions for naturalization, USCIS has refused to consider his naturalization application. Because of the delay, SPC Korat 1) cannot naturalize, 2) cannot become a commissioned officer in the Army (he was told he would be promoted to the rank of Captain upon commissioning), and 3) cannot become an oral surgeon. The government’s actions with respect

to SPC Korat's naturalization application are arbitrary, unfair, and unlawful.

SPC Korat further alleges as follows:

JURISDICTION AND VENUE

1. This action arises under 8 U.S.C. § 1440. The Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 (Federal Question), 1361 (Mandamus Act), 1651 (All Writs Act), 2201 *et seq.* (Declaratory Judgment), and 5 U.S.C. § 701 *et seq.* (Administrative Procedure Act).

2. The venue is proper in the District of New Hampshire under 28 U.S.C. § 1391(e)(1)(C), because this action is brought against officers of the United States in their official capacities in the District where Plaintiff resides and works. Plaintiff resides in New Hampshire.

PARTIES

3. Plaintiff SPC Hiren Korat is a 29-year-old Indian national recruited into, and honorably serving in, the Armed Forces of the United States as a Specialist in the U.S. Army. He has applied to become a naturalized U.S. citizen under 8 U.S.C. § 1440. Plaintiff is a resident of Littleton, New Hampshire who has been assigned to the 7249th Medical Support Unit of the U.S. Army.

4. Defendant Kirstjen Nielsen (hereinafter "Secretary Nielsen") is the Secretary of DHS. Secretary Nielsen is responsible for the administration and management of DHS, and the enforcement of the immigration and naturalization laws of the United States. 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1. She is named in her official capacity.

5. Defendant United States Department of Homeland Security (hereinafter "DHS") is a federal agency responsible for the administration and enforcement of the immigration and naturalization laws of the United States.

6. Defendant L. Francis Cissna (hereinafter "Cissna") is the Director of USCIS. As

Director of USCIS, Cissna is responsible for the administration of USCIS and its subordinate employees and agents, as well as the implementation of the immigration and naturalization laws of the United States, including the adjudication of applications for naturalization. He is named in his official capacity.

7. Defendant Denis Riordan (hereinafter “Riordan”) is the Director of USCIS District 1. As District 1 Director, Riordan is responsible for managing and supervising District 1 subordinate Field Offices, including the Manchester USCIS Field Office and the employees and agents working there as well as the administration and implementation of the immigration laws of the United States in that portion of New Hampshire. Riordan is named in his official capacity.

8. Defendant Andrea Rogers (hereinafter “Rogers”) is the Field Office Director of the Manchester Field Office of USCIS. As Field Office Director, Rogers is responsible for the administration and implementation of the immigration laws of the United States within that region of New Hampshire in which Plaintiff resides. Rogers is named in her official capacity.

9. Defendant USCIS is a federal agency that is a subordinate agency of DHS. USCIS is responsible for administration and implementation of the immigration and naturalization laws of the United States, including the adjudication of applications for naturalization. 8 C.F.R. § 332.1(a).

10. Defendants Secretary Niselsen, DHS, Cissna, Riordan, Rogers, USCIS are collectively referred to as “DHS Defendants.”

11. Defendant Patrick M. Shahanan (hereinafter “Secretary Shahanan”) is Acting Secretary of Defense of the United States Department of Defense. Secretary Shahana is responsible for the administration of DoD, and the management and supervision of all DoD subordinate employees and agents. Secretary Shahana is named in his official capacity.

12. Defendant Robert Wilkie (hereinafter “Wilkie”) is Under Secretary of Defense for Personnel and Readiness at DoD. Wilkie is responsible for the administration of the DoD offices, subordinate employees, and agents that manage the recruitment of, and contracting with, soldiers. Wilkie is names in his official capacity.

13. Defendant United States Department of Defense (hereinafter “DoD”) is responsible for the overall administration of the military policy including the recruitment of, and contracting with, individuals who enlist in the United States Armed Forces.

LEGAL FRAMEWORK

Naturalization through Honorable Military Service

14. Immigration law requires the expedited naturalization of a noncitizen who serves or has served honorably as an active duty or Selected Reserve member of the Armed Forces of the United States during any period which the President by executive order has designated as a period in which the Armed Forces of the U.S. are or were engaged in military operations involving armed conflict with a hostile foreign force. There is no length of residency or length of service requirement. Nor is the person seeking to naturalize under this statute required to be a lawful permanent resident. 8 U.S.C. § 1440.

15. A “wartime” military service naturalization applicant must establish service in the Armed Forces of the U.S. by a duly authenticated certification from the executive department under which the applicant is serving. 8 U.S.C. § 1440(b). DoD -- and in this case the United States Army -- provides this certification on USCIS Form N-426.

16. All applicants for naturalization under 8 U.S.C. § 1440 must satisfy certain other eligibility conditions that are generally applicable to all persons seeking to naturalize. Those conditions include demonstrating good moral character, although the requirement for Section

1440 applicants -- such as SPC Korat -- is limited to one year.

17. On July 3, 2002, the President of the United States designated by Executive Order (“EO 13269”) that the War on Terrorism is a period of hostilities, and noncitizens serving honorably in the Armed Forces of the United States on or after September 11, 2001 are authorized to naturalize in an expeditious manner. EO 13269. That Order remained in effect in July 2016 and remains in effect as of the date of this filing. 8 U.S.C. § 1440.

18. Congress has not authorized USCIS to impose additional naturalization conditions on individuals seeking to naturalize under Section 1440.

Military Accessions Vital to the National Interest (“MAVNI”)

19. To enlist in the Armed Forces of the United States, an applicant typically must be a permanent resident or United States citizen; however, the Secretary of Defense is authorized to enlist other persons without such status if such enlistment is vital to the national interest. 10 U.S.C. § 504(b).

20. In 2008, DoD authorized the MAVNI program to enlist such “other persons,” such as those holding “H1B” employment or “F-1” student status.

21. The MAVNI program is designed to secure the medical, technical, linguistic, and intelligence expertise of foreign nationals for service in the Armed Forces of the United States.

22. In its MAVNI recruiting efforts, the Army touted expedited U.S. citizenship to prospective enlistees, including SPC Korat. Indeed, pursuant to their enlistment contracts, MAVNI recruits, including SPC Korat, are required to apply for naturalization promptly after enlistment.

23. At the time of SPC Korat’s enlistment, Army Medical Department (“AMEDD”) MAVNIs (*i.e.*, those soldiers enlisted and recruited for their medical skills) received the most

expeditious naturalization of the MAVNIs. This was because the military makes AMEDD soldiers commissioned officers as soon as possible after enlistment so that the soldiers/officers can begin their initial training at the basic officers leadership course (while the other MAVNI soldiers are allowed to attend their initial training at basic combat training without an officer status and thus without naturalization). A soldier cannot become a commissioned officer without first being a U.S. citizen.

24. At the time when SPC Korat enlisted in the military, the process for AMEDD MAVNIs was that the soldier reported for one day of service with his assigned unit, an Army representative from the unit certified the soldier's N-426 form acknowledging honorable service for purposes of naturalization, and the Army and USCIS fast-tracked the soldier's naturalization application through approval and an oath ceremony. In fact, in public relations documents touted by DHS, the first MAVNI naturalized – a dentist from Pakistan who also came to the U.S. on a student visa and then later received a temporary work visa – had his naturalization application processed by USCIS in less than one month.¹

FACTS COMMON TO ALL COUNTS

SPC Korat Enlisted in the U.S. Army

25. SPC Korat is a 29-year-old native and citizen of India.
26. SPC Korat lawfully entered the United States on January 2008 on an “F-1” student visa.
27. SPC Korat graduated with a B.A. degree from Cardwell College in 2011 and a D.M.D. from Case Western Reserve University Dental School in the United States in 2015.
28. In 2015, an Army recruiter approached SPC Korat to recruit him at his graduation.

¹ Dr. Brown (2009), <http://www.dhs.gov/blog/2009/07/25/dr-brown> (last visited January 26, 2019).

The recruiter initially suggested SPC Korat join the non-medical MAVNI program. However, after SPC Korat explained his interest in health care as a holder of a dental degree, he was passed along to a medical career path recruiter.

29. The medical recruiter told SPC Korat that the naturalization process would take only 10 to 15 weeks. Furthermore, the recruiter told SPC Korat that the Army would support his education in oral surgery.

30. SPC Korat relied on these promises and decided to enlist in the Army.

31. Upon graduation from the Dental School and while waiting for the U.S. Army recruitment process, SPC Korat obtained a job that met the requirements of USCIS's Optional Practical Training ("OPT") program² in July 2015, which authorized him to work in the United States through July 2016.

32. On June 18, 2016, the Army Medical Recruiting Selection Board selected SPC Korat to be an "Army Legal Immigrant Healthcare Professional Officer Candidate." This designation would enable SPC Korat, upon naturalization, to be commissioned as an officer with the rank "Captain" in the Army.

33. On July 6, 2016, SPC Korat signed a MAVNI enlistment contract and took a service oath. He was authorized to enlist because he was lawfully present in the United States on an F-1 student visa and satisfied all of the conditions necessary for enlistment in the U.S. military, including the background checks and suitability determinations applicable to all recruits,

² 8 C.F.R. § 214.2(f)(10) provides that certain students in F-1 status can engage in "practical training"—authorized work that F-1 students may perform related to their major areas of study. OPT is temporary employment that is directly related to an F-1 student's major area of study. Eligible students can apply for OPT with USCIS to receive up to 12 months of OPT employment authorization before or after completing their academic studies and they retain their F-1 visa status while performing OPT. OPT gives the F-1 student temporary employment authorization. The only relevance of this information to this suit is that SPC Korat lawfully remained and worked in the United States after graduation and before getting his non-immigrant work visa.

regardless of nationality.

34. After the expiration of SPC Korat's OPT status in July 2016, he was able to further extend his F-1 student immigration status as an MBA student at Houston Baptist University in Houston, Texas.

35. The MAVNI enlistment contract caused SPC Korat to reasonably rely upon its statement and inducements, including, but not limited to: "I am enlisting during a period of time in which any alien who serves honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States may apply for United States citizenship (8 U.S.C. 1440)." Exhibit 1. MAVNI Contract

36. The MAVNI enlistment contract required SPC Korat to apply for naturalization: "I agree to apply for U.S. citizenship as soon as the Army has certified my honorable service. I understand that the Army does not grant U.S. citizenship, and the Army does not guarantee that my application for U.S. citizenship will be approved. I understand that I must file my U.S. citizenship application with the Department of Homeland Security under the laws and regulations that govern such applications. I agree to inform my commander if my application for U.S. citizenship is not approved." *Id.*

SPC Korat's Naturalization Application and Immigration Status

37. In March 2017, SPC Korat received an email from the Army Recruiting Office that the Army had completed his security clearance. Exhibit 2. Background Check Approved Email.

38. SPC Korat was assigned to and has served honorably with the 7249th Medical Support Unit in Houston, Texas, as a Specialist (E-4), which is an enlisted rank. He must serve as an E-4 until he is naturalized as a United States citizen because non-citizens cannot be military officers.

39. In April 2017, SPC Korat's Company Commander, Lieutenant Colonel James Ernest signed the Form N-426 certifying SPC Korat's honorable service.

40. On July 12, 2017, SPC Korat applied for naturalization by submitting his N-400 Application for Naturalization along with the N-426 to USCIS.

41. SPC Korat's current immigration status is H1B temporary work status.

DoD's Enhanced Background Checks

42. USCIS is required by federal law to complete background checks on all persons seeking to naturalize as United States citizens. 8 U.S.C. § 1446. Such standard background checks include an FBI interview of criminal history. USCIS also conducts a Defense Clearance Investigative Index (DCII) query with DoD for any applicant with military service. A DCII shows whether the applicant has any derogatory information in his or her military records.

43. On September 30, 2016, DoD issued a memorandum requiring deeper (i.e. "enhanced") background investigations for all MAVNI soldiers. As a result, DoD directed that MAVNI soldiers be stalled in their military careers (no accessions) until DoD completed these enhanced investigations, such as a Tier 5 ("Single Scope Background Investigation" or "SSBI") and a Counterintelligence Security Review ("CI-Review"). A Tier 5 is usually reserved for persons requiring a Top Secret security clearance and access to sensitive compartmented information. A lower level check (i.e. a Tier 3) is typically required for those in the military seeking a Secret, Confidential, or lesser security clearance. Military dentists typically do not require any of these clearances, much less a "Top Secret" security clearance. The CI-Review includes an extensive in-person interview, often requiring MAVNI recruits to travel to the interview location. The focus of the CI-Review also relates to the standards typically used for a "Top Secret" clearance, particularly whether the person under investigation has "foreign ties."

44. Upon information and belief, DoD instructed USCIS to stop processing MAVNI applications for naturalization pending completion of the security clearance investigations (and adjudications) by DoD. DHS and USCIS complied with this request. On or about February 28, 2017, the USCIS Field Office Director (“FOD”) advised its field offices and service centers to “hold” certain naturalization applications for MAVNI recruits. USCIS FOD then placed a written hold on or about April 13, 2017, on certain naturalization applications until DoD background checks were completed.

45. Although these enhanced investigations have nothing to do with eligibility for naturalization under federal law, USCIS has placed MAVNI naturalization applications on hold pending the completion of such investigations and adjudication of soldiers’ military service suitability determination (“MSSD”).

46. On June 12, 2017, even before the submission of SPC Korat’s naturalization application, the United States Office of Personnel Management Investigations Service completed and closed his background investigations, including the FBI searches and the Tier 5.

47. SPC Korat’s CI-Review was completed on August 24, 2017.

48. All of SPC Korat’s DoD background checks were sent to the DoD Consolidated Adjudications Facility (“CAF”). On September 20, 2017, CAF made a determination of “No Determination Made” for SPC Korat. CAF further did not recommend that DoD continue the so-called the MSSD process for SPC Korat because of purportedly derogatory information identified during SPC Korat’s CI-Review.

49. According to the CI-Review, SPC Korat presents a “moderate” security risk due to purported “financial,” “loyalty,” and “foreign ties” issues.

50. With respect to the supposed “financial” issue, the report indicates that SPC Korat

could inherit property from his mother as long as he is an Indian citizen and that he is in considerable debt. At the time of his interview, he was not employed. Subsequently, SPC Korat obtained employment and has remained employed ever since. With respect to debt, while SPC Korat has student loans, he has never missed payments and he has an excellent credit score.

51. With respect to “foreign ties,” the report indicates that SPC Korat’s parents were involved in a local political party in India, and he communicates with them often via phone calls and social media.

52. However, his father, Mr. Savjibhai Korat who was a local politician in India, passed away in November 1998. SPC Korat communicates with his mother because she is his mother. His mother was a local politician in India until 2012, but had no authority or influence over intelligence or foreign policy.

53. On November 28, 2018, Paul Aswell, the Chief of Accessions Division in the Department of the Army, responded to a status inquiry regarding SPC Korat that the “Personnel Security Investigation process that SPC Korat completed was returned with unfavorable results.” As a result, DoD stated that SPC Korat did not meet requirements for retention in the Army.

54. Prior to September 30, 2016, the naturalization applications of MAVNI soldiers were processed to completion, and citizenship was conferred, without DoD’s enhanced security clearance investigations and without any DoD adjudications under security clearance standards. No law allows USCIS to condition naturalization application processing or approval on the completion (much less “favorable” completion) of a Top Secret Security Clearance adjudication and beyond.

Suspension or Delay of Naturalization Process and MSSD

55. On or about August 10, 2017, USCIS initiated its own background check for

naturalization, and SPC Korat had his biometrics taken at the USCIS Application Support Center in Sugarland, Texas. On information and belief, those background checks have been completed for a considerable period of time.

56. Despite the promise of the legally required expeditious naturalization process, a naturalization interview has not been scheduled.

57. SPC Korat has inquired about the status of his naturalization application at least 30 times. However, he has not received an expected timeline or a meaningful explanation other than that USCIS is waiting for a background check from DoD. However, that response makes no sense because all of those DoD background checks -- i.e., the Tier 5 and CI review -- were completed in August 2017.

58. In November 2017, U.S. Congressman Pete Olson's and U.S. Senator Jeanne Shaheen's offices inquired on the status of SPC Korat's naturalization application. USCIS responded to the inquiries that it could not process SPC Korat's pending naturalization application because a policy currently requires DoD to conduct an additional background check. But, again, this response makes no sense because the DoD's enhanced screenings were completed no later than August 2017 and DoD itself was able to a determination using those background investigations no later than September 2017.

59. SPC Korat, through counsel, submitted his request to expedite his naturalization application to USCIS on February 5, 2018, on the grounds that while his application remains on hold, he cannot be commissioned as an officer or assigned the Military Occupational Specialty of "General Dentist." However, he did not receive any response from USCIS.

60. In March 2018, SPC Korat inquired again through Senator Shaheen's office and received the same answer from USCIS.

61. In October and November 2018, SPC Korat personally inquired about the status of his naturalization through his chain of command in the U.S. Army. He received the same unsatisfactory answer.

62. USCIS has suspended or delayed the naturalization of SPC Korat, even though he has met all of the requirements for the naturalization process. He has continued to be a person of good moral character. All of his background investigations, including DoD's enhanced checks, were completed more than a year ago. SPC Korat is eligible to naturalize.

63. USCIS's refusal to adjudicate SPC Korat's naturalization application has caused and will continue to cause hardship and damage to him. SPC Korat's service contract with DoD may be subject to termination as a result of him being in the Delayed Training Program ("DTP") (i.e., not moving to officer training) for more than a specified period of time. SPC Korat could receive a discharge, which could disqualify him from federal employment and end his career in the U.S. Army.

64. USCIS has delayed SPC Korat's opportunity to live and work in the United States as a United States citizen. SPC Korat has been deprived of his statutory right to naturalize solely because of the bureaucratic failings of USCIS. Because of this failure to adjudicate SPC Korat's application for naturalization, SPC Korat is unable to travel freely as a U.S. citizen, unable to vote in elections, serve on juries, and enjoy other rights and responsibilities of U.S. citizenship.

CLAIMS FOR RELIEF

COUNT I

THE ADMINISTRATIVE PROCEDURE ACT – UNREASONABLE DELAY (AGAINST DHS DEFENDANTS)

65. All prior paragraphs are incorporated.

66. The APA requires administrative agencies to conclude matters presented to them “within a reasonable time.” 5 U.S.C. § 555(b). A district court reviewing agency action may “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). “Agency action” includes, in relevant part, “an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.” 5 U.S.C. § 551(13).

67. DHS Defendants are unreasonably delaying action to process “wartime” military naturalizations even when SPC Korat’s FBI checks and DoD’s non-statutory background checks are completed more than a year ago.

68. As a result of Defendants’ actions, SPC Korat has suffered and continues to suffer injury.

COUNT II
THE ADMINISTRATIVE PROCEDURE ACT – CONTRARY TO LAW
(AGAINST DHS DEFENDANTS)

69. All prior paragraphs are incorporated.

70. The APA provides for the court to hold unlawful agency action that is found to be: “not in accordance with the law,” 5 U.S.C. § 706(2)(A); “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right,” 5 U.S.C. § 706(2)(D); or “without observance of procedure required by law,” 5 U.S.C. § 706(2)(D). “Agency action” includes, in relevant part, “an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.” 5 U.S.C. § 551(13).

71. DHS Defendants are unlawfully withholding and refusing to obey their governing rules and statutes regarding “wartime” military naturalizations in an arbitrary, capricious, unlawful and abusive manner.

72. As a result of USCIS’s actions, SPC Korat has suffered and continues to suffer

injury.

COUNT III
28 U.S.C. § 1361 – WRIT OF MANDAMUS
(AGAINST DHS DEFENDANTS)

73. All prior paragraphs are incorporated.

74. DHS Defendants have a ministerial duty to SPC Korat to adjudicate his naturalization application timely and to complete any other investigation required for his naturalization. DHS Defendants have failed in that duty.

75. 28 U.S.C. § 1361 authorizes a court to “compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff” if the plaintiff can demonstrate that: (1) the plaintiff seeking mandamus has a clear right to the relief requested; (2) the defendant has a clear duty to perform the act in question; and (3) no other adequate remedy is available.

76. SPC Korat has a clear right to apply for expedited naturalization, and DHS Defendants have a clear duty to process wartime military naturalization without any delay, and he has no adequate remedy at law for USCIS’s failure to adjudicate the naturalization application.

77. The Court should grant relief in the form of a writ of mandamus compelling DHS Defendants to process SPC Korat’s naturalization, including scheduling an interview.

COUNT IV
IMMIGRATION AND NATIONALITY ACT AND APPLICABLE REGULATIONS
(AGAINST DHS DEFENDANTS)

78. All prior paragraphs are incorporated.

79. The Immigration and Nationality Act (“INA”) and applicable regulations set forth the exclusive statutory and regulatory criteria governing applications for naturalization. See 8 U.S.C. §§ 1427 and 1446(a) and 8 C.F.R. §§ 316.2, 335.2, and 335.3 (criteria for naturalization); see also 8 U.S.C. § 1440; EO 13269 (expedited military naturalization). Federal regulations

provide that a naturalization applicant “*shall* appear in person before a USCIS officer” after the filing of his application for naturalization. 8 C.F.R. § 335.2(a) (emphasis added). For the interview, USCIS “*will* notify the applicant . . . only after the USCIS has received a definitive response from the Federal Bureau of Investigation that a full criminal background check of an applicant has been completed.” 8 C.F.R. § 335.2(b) (emphasis added). Also, if an applicant has complied with all requirements for naturalization, USCIS “*shall* grant the application.” 8 C.F.R. § 335.3(a) (emphasis added).

80. USCIS’s failure to perform the clear duty to hold an interview for SPC Korat’s military naturalization application, when all of SPC Korat’s background checks, including the regulatory requirement of FBI criminal background check, are completed more than one year ago, is in violation of INA and applicable regulations.

COUNT V
FIFTH AMENDMENT (PROCEDURAL DUE PROCESS)
(AGAINST ALL DEFENDANTS)

81. All prior paragraphs are incorporated.

82. DHS Defendants’ failure to adjudicate SPC Korat’s military naturalization application or give SPC Korat a meaningful explanation of the extra-statutory policy unlawfully blocking the adjudication of his application when USCIS is required to expedite his naturalization process and when all of his background check investigations are completed in 2017 violates the procedural due process under the Fifth Amendment to the U.S. Constitution.

83. DoD Defendants’ failure to adjudicate SPC Korat’s MSSD and to provide his background information to USCIS when all of the required background checks were completed more than a year ago without any explanation violates the procedural due process under the Fifth Amendment to the U.S. Constitution.

84. Because of this violation of his constitutional rights, SPC Korat has suffered and continue to suffer injury in the form of unreasonably unwarranted delay of his naturalization application.

COUNT VI
FIFTH AMENDMENT (SUBSTANTIVE DUE PROCESS)
(AGAINST ALL DEFENDANTS)

85. All prior paragraphs are incorporated.

86. DHS Defendants' unauthorized and indefinite suspension of the adjudication of SPC Korat's military naturalization violates his right to substantive due process under the Fifth Amendment to the U.S. Constitution, because USCIS cannot indefinitely stop adjudicating his military naturalization application for which SPC Korat is statutorily eligible, and to which he is entitled by law, in an arbitrary manner, particularly when all of his background investigations are completed.

87. DoD Defendants' arbitrary failure to adjudicate SPC Korat's MSSD and to provide his background investigation information to USCIS to prevent DHS Defendants from processing his naturalization violates his right to substantive due process under the Fifth Amendment to the U.S. Constitution.

COUNT VII
UNIFORM RULE OF NATURALIZATION
(AGAINST DHS DEFENDANTS)

88. All prior paragraphs are incorporated.

89. Congress has the sole power to establish criteria for naturalization, and any additional requirements not enacted by Congress are ultra vires.

90. DHS Defendants' adoption of the completion of DoD Defendants' enhanced background check, including the adjudication of MSSD, creates additional, non-statutory,

substantive criteria that must be met before granting a naturalization application.

91. Accordingly, the enhanced background check requirement violates Article I, Section 8, Clause 4 of the U.S. Constitution.

92. Because of this violation, SPC Korat has suffered and will continue to suffer an injury in the form of unreasonable delays and unwarranted denials of his naturalization application.

COUNT VIII
BREACH OF CONTRACT
(AGAINST DoD DEFENDANTS)

93. All prior paragraphs are incorporated.

94. SPC Korat entered into a written contract with DoD in which he agreed to apply for U.S. citizenship as soon as the Army has certified his honorable service in exchange for being permitted to enlist in the Army. Furthermore, DoD Defendants promised him that he will be naturalized in a few months and thus become the rank of Captain to serve as a General Dentist.

95. SPC Korat performed as required by the contract: applying for U.S. citizenship after receiving N-426.

96. However, DoD failed to assist SPC Korat's naturalization process by not adjudicating his MSSD and not providing background information to USCIS, even when all of the DoD background investigations were completed more than a year ago. Without becoming a U.S. citizen, SPC Korat cannot become an officer.

97. Accordingly, as a direct and proximate result of DoD Defendants' breach of contract as alleged herein, SPC Korat has suffered monetary damages in the amount of the pay difference between a Specialist Fourth Class and an Army Captain, in an amount not to exceed \$10,000.

RELIEF REQUESTED

WHEREFORE, SPC Hiren Korat respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Order USCIS to hold a naturalization interview for SPC Korat within twenty (20) days from the filing of this Complaint, and to provide a final determination on SPC Korat's naturalization application within thirty (30) days from the filing of this Complaint, or within such reasonable period of time as is determined by the Court;
- C. Issue a Declaratory Judgment that USCIS violated the APA by refusing to adjudicate Plaintiff's naturalization application in a timely manner;
- D. Declare that USCIS's suspension of adjudicating the military naturalization until the completion of DoD's enhanced background check violates the Constitution;
- E. Grant Preliminary and Permanent Injunctions to require USCIS to hold a naturalization interview for SPC Korat within twenty (20) days, and to provide a final determination on SPC Korat's naturalization application within thirty (30) days from the filing of this Complaint, or within such reasonable period of time as is determined by the Court;
- F. Retain jurisdiction of this action during the adjudication of SPC Korat's naturalization application to ensure compliance with this Court's Orders;
- G. Award damages in an amount not to exceed \$10,000;
- H. Award reasonable costs and attorney's fees; and
- I. Grant such further relief as the Court deems just and proper.

Respectfully submitted,

HIREN KORAT,

By and through his attorneys affiliated with the
American Civil Liberties Union of New Hampshire
Foundation,

/s/ SangYeob Kim

Gilles R. Bissonnette (N.H. Bar. No. 265393)
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SangYeob Kim (N.H. Bar No. 266657)
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Date: January 29, 2019



DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
1600 SPEARHEAD DIVISION AVENUE, DEPARTMENT 240
FORT KNOX, KY 40122-5204

AHRC-ORD-A

21 June 2016

MEMORANDUM THRU Health Care Recruiter

FOR

CPT HIREN SAVJIBHAI KORAT, [REDACTED]

[REDACTED]
STAFFORD, TX 77477-5729

A- DC-USAR

B- 63A

C- AR 135-101

D- 04 yrs, 02 mos, 29 days

SUBJECT: Appointment as a Reserve Commissioned Officer of the Army Under Title 10, USC 12201 and 12203

1. The Secretary of the Army has directed that you be informed that by direction of the President, you are appointed a Reserve commissioned officer of the Army, effective on your acceptance, in the grade and with the social security number shown in the address above. Your branch and component are shown after A above.
2. The appointment is for an indefinite term.
3. Execute the enclosed form for oath of office and return promptly to this headquarters, ATTN: AHRC-ORD-A. Your execution and return of the oath of office constitutes your acceptance of appointment. Prompt action is requested since cancellation of this appointment is required if acceptance is not received within 90 days or as otherwise prescribed. On receipt of the properly executed oath of office, a commission (DD Form 1A) will be forwarded to you. If you do not desire to accept appointment, return this letter with your statement of declination thereon.
4. Your primary Specialty Skill Identifier (SSI) is shown after B (when applicable). The Army regulation pertaining to your appointment is shown after C. If you have been credited with "years of service in an active status" the number of years, months, and days is shown after D (applies only to Chaplains, Medical personnel and the Judge Advocate General's Corps). This service is not valid for pay entry basic date (see DODPM para 10102, for Medical and Dental Corps personnel) and it is not the result of prior military service.
5. After acceptance of this appointment, any change in your permanent home address or a temporary change of address of more than 30 days duration will be reported by you to the custodian of your military personnel records.
6. Medical waiver approved.

FOR THE COMMANDER:

Encl

JON A. BANCO
Chief, Officer Accessions Branch

CERTIFICATE AND ACKNOWLEDGMENT
UNITED STATES ARMY RESERVE
SERVICE REQUIREMENTS AND METHODS OF FULFILLMENT
For use of this form, see AR 135-91; the proponent agency is ODCSPER

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Title 10 USC, Sections 10147, 12103, 12301, 12303, 12304 and Executive Order 9397, 22 Nov 43.

PRINCIPAL PURPOSE: To explain your military obligation, the methods of fulfilling that obligation, and participation requirements.

ROUTINE USES: This form becomes a part of the Army Military Human Resource Record. All uses of this form are internal to the United States Army.

DISCLOSURE: Disclosure of the Social Security Number: (SSN) and other personal information is voluntary. However failure to provide the required information may result in denial of enlistment or reenlistment.

SECTION I –APPLICABILITY

1. Except as noted in paragraph 2 below, this certificate will be completed by all soldiers:
 - a. Enlisting or (reenlisting) in the Army Reserve without a concurrent order to active duty; or
 - b. Transferred or reassigned to an Army Reserve troop program unit or to a duty position in the Individual Mobilization Augmentation (IMA) Program.
2. This certificate is not applicable to enlistment in conjunction with enrollment in the Senior Reserve Officers Training Corps (ROTC) program.

SECTION II –INSTRUCTIONS

1. For soldiers enlisting or reenlisting for a term of service in the Army Reserve the guidance counselor, reenlistment official, or the officer administering the Oath, is responsible for reading and explaining the service requirements and methods of fulfillment set forth below. Following the reading, explanation, affixing of proper signatures, and the administration of the Oath, a copy of this signed form will be stapled to each copy of the signed enlistment/reenlistment document (DD Form 4 Series).
2. For soldiers transferred or reassigned to a troop program unit of the Army Reserve or to an IMA duty position, the unit commander/gaining organization commander, or his/her designated representative, is responsible for reading and explaining the service requirements and methods of fulfillment set forth below. Following the reading, explanation, and affixing of proper signatures, a copy will be furnished the soldier. At accession, a copy will be transferred to the soldier file at Human Resources Command (HRC), and will be available to authorized personnel via the interactive Personnel Electronic Records Management System (iPERMS).
3. For soldiers assigned to a troop program unit of the Army Reserve, at least once annually, commanders or their designated representative, will conduct an orientation of the service requirements, methods of fulfillment, and participation requirements as set forth below.

SECTION III –EXPLANATION

In connection with your membership in the Army Reserve, as the witnessing official it is my duty and responsibility to explain the service and participation requirements that are applicable. If during this explanation, you have any questions or want further clarification, advise me and I will explain all matters to your satisfaction and understanding before proceeding.

1. If you are enlisting or reenlisting, you will be furnished an enlistment/reenlistment document (DD Form 4 Series), which you will be required to sign following administration of the Oath. An exact copy of this explanation with your signature will be attached to all copies of your enlistment/reenlistment document.
2. If you are being transferred or reassigned to a troop program unit of the Army Reserve or IMA duty position an exact copy of this explanation will be inserted in your military records.
3. I will furnish you a copy of this signed and witnessed statement.

SECTION IV –SERVICE OBLIGATION

1. ACKNOWLEDGEMENT: In connection with my enlistment into the United States Army Reserve I hereby acknowledge that:

My enlistment in the U. S. Army Reserve obligates me to a total of 8 years service in the U. S. Armed Forces, including service in the Reserve components. I agree to serve 6 years as an assigned member of a troop program unit in the Selected Reserve and 2 years as an assigned member of the Individual Ready Reserve.

INITIAL ENLISTMENT AS A NON-PRIOR SERVICE APPLICANT. I have had no previous military service on active duty, or active duty for training, in the Armed Forces of the United States and on executing this enlistment I will incur a statutory military service obligation of 8 years and a contractual obligation to serve 6 years as an assigned member of a troop program unit in the Selected Reserve and 2 years as an assigned member of the Individual Ready Reserve unless I voluntarily elect to remain assigned and continue to satisfactorily participate as a member of a troop program unit.

I have enlisted in the following Army Reserve unit:

AR MAVNI PGM

4710 KNOX STREET FORT BRAGG, NC 28310

Phone

[REDACTED]

UIC: [REDACTED]

Unit Vacancy MOS: 09Q1 Army Legal Immigrant Healthcare Professional Officer Candidate

2. I am enlisting under the program or programs as indicated below:

<u>PROGRAM</u>	<u>TITLE</u>
STP	Standard Training Program

My enlistment for this program assures me that, provided I meet required prerequisites, I will receive training in the following Military Occupational Specialty (MOS) or Career Management Field (CMF)

Training MOS: 09Q Army Legal Immigrant Healthcare Professional Officer Candidate

Skill Level: 1

SQI: O No Special Qualifications

ASI: 00 Default Code

Language: YY None

3. I am seeking to receive a Commission in the Army Reserve or Regular Army through an Army Reserve Commission after I receive my United States Citizenship, required security clearance, all training requirements, and upon successful completion of honorable

service as an 09Q.

4. I understand that I am first enlisting under a federal law that allows the Secretary of the Army to authorize the enlistment of certain non-citizens of the United States (10 U.S.C. 504(b)(2)). I also understand that I am enlisting during a period of time in which any alien who serves honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States may apply for United States citizenship (8 U.S.C. 1440). I also understand that my enlistment may have an effect on my current immigration status.
5. In exchange for being permitted to enlist in the Army, I agree to apply for U.S. citizenship as soon as the Army has certified my honorable service. I understand that the Army does not grant U.S. citizenship, and the Army does not guarantee that my application for U.S. citizenship will be approved. I understand that I must file my U.S. citizenship application with the Department of Homeland Security under the laws and regulations that govern such applications. I agree to inform my commander if my application for U.S. citizenship is not approved.
6. I understand that if my application for U.S. citizenship is not approved, or I am otherwise found ineligible to hold a commission, I may be discharged from the Army. I further understand that if I am discharged prior to obtaining U.S. citizenship, I may face serious immigration consequences, including possible deportation or removal from the United States. If I am discharged on account of alienage or as a conscientious objector, I may also be barred from becoming a U.S. citizen (8 U.S.C. 1440(a)).
7. I understand that if I become a United States citizen based on my military service, the Government of the United States may revoke my U.S. citizenship if I am separated from the Army under less than honorable conditions unless I have served honorably for a period or periods aggregating five years (8 U.S.C. 1440(c)).
8. I understand that I may lose my citizenship in my country of origin, or any other country to which I have a claim of citizenship, when I become a United States citizen. Even if my former country does not take away my citizenship, I may be required to renounce citizenship in that country in order to obtain a U.S. security clearance. I may be discharged from the Army if I am unable to obtain a security clearance.
9. I understand if I was boarded and selected for an Active Duty Appointment prior to enlisting under the MANVI option, upon receipt of US Citizenship, I will be released from the Army Reserves to accept a Regular Army Appointment. A copy of the Regular Army Accession Board Results will be provided at time of enlistment.
10. The following programs and/or incentives are my authorized entitlements:
 - a. I certify that I have read and understand the applicable information in AR 601-210 for the Enlistment Program(s) I am enlisting for.
 - b. I must enter and satisfactorily complete a period of initial active duty for training (IADT) to become qualified in a military occupational specialty (MOS) as soon as a training space is available. Training spaces are normally available within 180 days following enlistment although additional delay may be necessary for military reasons.
 - c. If for any reason beyond my control I am unable to complete the training during the period for which I was initially ordered to IADT, I agree to remain on IADT for such additional period as is required to complete my training or accept training in an alternate MOS if offered and remain on IADT for completion of such alternate training.
 - d. If I qualify for enlistment that authorizes me to be in a paid training status, I will commence training with my assigned unit while I am awaiting entry on IADT. If I am not authorized to be in a paid training status on enlistment, I may voluntarily attend scheduled drills with my unit until such time as I am authorized to be paid and then will commence training with my unit.
 - e. Unless I am sooner removed from an active status by proper authority, during the term of my statutory and contractual obligation I must satisfactorily participate while I am assigned to a troop program unit of the Selected Reserve; or if I am subsequently reassigned to the IRR, I must continue to participate satisfactorily as a member of the IRR; or if I am subsequently reassigned to an IMA duty position, I must continue to participate satisfactorily in the IMA program.

- f. I have provided complete, detailed, and accurate background information in regards to my controlled drug and alcohol use, financial, moral, and physical history. This information will be used to determine my eligibility for the necessary security clearance if required by MOS, option, and/or duty assignment in connection with my enlistment. I understand that if it is determined that I have knowingly failed to reveal information at the time of my enlistment, or I have significant derogatory information, which results in my inability to receive an interim or final security clearance within 120 days from the submission date of my request for a clearance, I may be reclassified based on the needs of the Army or processed for discharge.

11. PRE-BASIC COMBAT TRAINING (BCT) PHYSICAL TRAINING (PT) PROGRAM

- a. I understand and acknowledge that I am required to take an initial Physical Fitness Assessment (PFA) after enlistment and based on my initial assessment, my recruiter will enroll me in a self-paced Pre-Basic Combat Training Physical Training Program. I understand and acknowledge that as a member of the Army or Army Reserve, my participation in the PT program is voluntary; however, it is highly encouraged to ensure success. The following requirements for a passing PFA are at a minimum; 13 pushups for males, 3 pushups for females, 17 sit ups for males and females and one mile run in 8:30 minutes for males and 10:30 minutes for females.

SECTION V –SATISFACTORY PARTICIPATION

1. I understand that as a member of the Army Reserve, I must participate satisfactorily during the entire period of my enlistment, reenlistment, immediate reenlistment, transfer, assignment, or reassignment in accordance with the rules and regulations now in effect, or which may hereafter be placed in effect, by the proper authority.
- a. TROOP PROGRAM UNIT. As a member of a Selected Reserve troop program unit, my satisfactory participation is determined by the following:
- (1) I will serve as a member of a Selected Reserve troop program unit for the entire period specified in the terms of my service agreement unless otherwise reassigned or separated by proper authority.
 - (2) I will be required to attend all scheduled unit training assemblies (at least 48 per year) unless I am excused by proper authority. I must attend scheduled unit training assemblies in the prescribed uniform, present a neat soldierly appearance, and perform my duties in a satisfactory manner to receive credit for attendance. If I do not receive credit for attendance for any of these reasons, I will be charged with an unexcused absence. If I accrue nine or more unexcused absences during any continuous 365-day period, I will be declared an unsatisfactory participant.
 - (3) I am required to satisfactorily complete a period of annual training of not less than 14 days per year, exclusive of travel time, unless excused by proper authority. If I fail to attend or complete the entire period of annual training I will be declared an unsatisfactory participant.
 - (4) I must keep my commander advised of my current mailing address, where I will receive official correspondence, and I must reply to and comply with all official orders and correspondence that I may receive.

SECTION VI –UNSATISFACTORY PARTICIPATION

1. I understand that if I fail to participate satisfactorily for any of the reasons cited in section V above, or which may be placed into effect hereafter by proper authority. I will be declared an unsatisfactory participant and, by law, subject to order to 45 days of active duty for training or a period of active duty that will not cause my total active duty service to exceed 24 months. I will also be subject to separation from the Selected Reserve or the Ready Reserve, as appropriate, either by reassignment or discharge, which may result in a pay grade reduction and an other than honorable characterization of my military service. In addition, entitlement to educational assistance under the Montgomery GI Bill, or to bonus payments and loan repayments, which were based on service in the Selected Reserve, may be terminated and I may be required to repay all or a portion of the funds I received to the U.S. Government.
2. If I am voluntarily or involuntarily reassigned or transferred out of the Selected Reserve, all entitlements under the Selected

Reserve Montgomery GI Bill or Selected Reserve incentives will terminate.

SECTION VII –ORDER TO ACTIVE DUTY AND MOBILIZATION

1. I understand that during the entire term of my membership in the U. S. Army Reserve I may, at any time, be involuntarily ordered to active duty as a member of a unit, or as an individual if not assigned to a unit, during a period of selective, partial, full, or total mobilization, or under any other conditions authorized by law in effect at the time of this service agreement or that subsequently may be enacted into law.
2. I have been advised and understand, my Army Reserve enlistment makes me Ineligible for the following Regular Army Incentive programs should I later apply for a Regular Army enlistment.
 - a. Enlistment Cash Bonus – Regular Army.
 - b. Loan Repayment Program – Regular Army.
 - c. Army College Fund – Regular Army.
3. I have read/viewed and understand the military occupational specialty (MOS) description for 09Q1000YY
4. I understand that I will not be eligible to apply for enlistment in a regular component of the Army until I have completed at least six months with my unit (TRR,PS) or after six months after completion of my initial active duty for training (NPS).

SECTION VIII –STATEMENT OF UNDERSTANDING – POLICIES

5. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT NOTICE

- a. You have the right to be reemployed in your current civilian job if:
 - (1) You leave that job to perform duty in any uniformed service; and,
 - (2) You provide your employer advance written or verbal notice of your service obligation; and,
 - (3) Your absence from work by reason of military service does not exceed five years (some exceptions exist); and,
 - (4) You return to work or apply for reemployment in a timely manner after conclusion of service; and,
 - (5) You have not been separated from service with a disqualifying discharge or under less than honorable conditions.
- b. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.

6. SURE PAY:

- a. As part of my enlistment contract, I hereby acknowledge and agree that I have the duty and responsibility, to establish and maintain an account with a U.S. financial institution such as a bank, savings and loan, or credit union for the direct deposit/receipt of my Army net pay and allowances. I will have in my possession a completed direct deposit form from a financial institution, an ATM Card and or checks prior to shipping to access funds during training.
- b. I understand that prior to reporting to IADT, I am required to establish an account with the U. S. financial institution for direct deposit/receipt of my Army net pay and allowances, and execute the appropriate forms prior to or immediately to ensure my Army net pay and allowances are deposited directly into my account. I understand I may freely choose or change U. S. financial institutions to satisfy this requirement. I understand that I will continue to have the duty and responsibility to

maintain such an account for direct deposit/receipt of my Army net pay allowances so long as I remain in service, unless I receive a specific exemption from this requirement from the Army. I understand that failure to establish and maintain an account as described above, in the absence of a specific exemption, may subject me to administrative action and/or disciplinary action under the Uniform Code of Military Justice.

7. ALCOHOL AND DRUG ABUSE:

- a. I understand that the Army's policy on alcohol and drug abuse is that the Army must prevent alcohol and drug abuse in order to perform its mission to defend the United States, to ensure its combat readiness, and to protect the health and welfare of its Soldiers. I understand that service in the United States Army places me in a position of special trust and responsibility. Any drug abuse by Soldiers of the United States Army is against the law, violates Army standards of behavior and duty performance, and will not be tolerated. Alcohol abuse involving criminal acts or conduct detrimental to the Army or good order and discipline will also not be tolerated. The illegal use of narcotics, or prescription drugs, or any use of marijuana or other illegal substances by Soldiers can lead to criminal prosecution and/or discharge under other than honorable conditions. If I am identified for either alcohol or drug abuse, including the use or possession of marijuana, appropriate disciplinary and/or administrative action may be taken against me. This may include trial by court-martial or administrative separation from the Army.
- b. I understand that certain MOSs in the Army cannot be performed by persons who have used marijuana or other drugs. If it is established that I have used drugs or marijuana and that usage disqualifies me for the MOS for which I entered the Army or have been awarded, I may be reclassified into another MOS based on the needs of the Army.

8. RELIGIOUS PRACTICE ACCOMMODATION:

- a. The Army places a high value on the rights of its Soldiers to observe the tenets of their respective religions or to observe no religion at all.
- b. The Army will approve requests for accommodation of religious practices unless accommodation will have an adverse impact on unit readiness, individual readiness, unit cohesion, morale, good order, discipline, safety, and/or health. These factors are referred to individually and collectively as "military necessity."
- c. Procedures for requesting accommodation of religious practices are contained in AR 600-20 (Army Command Policy). Army uniform wear, personal appearance, and grooming standards are contained in AR 670-1 (Wear and Appearance of Army Uniforms and Insignia). Immunization policy is contained in AR 40-562 (Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases).
- d. By signing this enlistment annex, I understand that the Army cannot guarantee accommodation of religious practices, and that religious accommodations may be modified or revoked based on changes in military necessity. I further understand that, if I submit a request for religious accommodation pertaining to Army uniform, personal appearance, grooming, or immunization policy, I will not depart for Initial Entry Training, Initial Active Duty for Training, or my first unit of assignment until I have received a final decision on my request. If my request is disapproved, I also understand that I must fully comply with Army for uniform, personal appearance, and personal grooming standards, and immunization policy, when I report to Initial Entry Training, Initial Active Duty for Training, or to my first unit of assignment. Alternatively, I may request separation from the Army because of the conflict between my religious practices and military requirements, in accordance with AR 600-20. I understand that separation approval is not guaranteed, is subject to the needs of the Army, and that I may be subject to recoupment of Federal funds as outlined in Army regulations.

9. THE ARMY WEIGHT CONTROL PROGRAM: (AWCP)

- a. I understand that initial entry weight and Body fat percentage are governed by the standards of AR 40-501 (Standards of Medical Fitness). I further understand that after entry Soldiers are required to meet retention body fat standards which are governed by Army Regulation 600-9 (The Army Weight Control Program) and are less than allowable enlistment body fat standards. I understand that:

(1) Army Regulation 600–9 (The Army Weight Control Program) contains body fat standards which I will be required to meet after entry into Active Army, Army Reserve, or Army National Guard.

(2) Soldiers have 6 months from date of entry into the Active Army, Army Reserve, or Army National Guard to meet the body fat standards of Army Regulation 600–9. Soldiers who fail to meet these standards at that time will be entered in the Army Weight Control Program, which may adversely impact the ability to be promoted, receive awards and attend military schools.

b. I understand that I may access the Army Weight Control policy for further review at URL <http://www.apd.army.mil/pdf/r600-9.pdf>.

10. SEXUAL HARASSMENT:

a. The U.S. Army will not condone any person who violates the rights of; or discriminates against; any person because of their gender. Further, I understand that:

(1) Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

(3) Any Soldier or Civilian employee in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of another Soldier or Civilian employee is engaging in sexual harassment. Who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment. Sexual harassment is not limited to the workplace, can occur at almost any place, and violates acceptable standards of integrity and impartiality required of all Army personnel. It interferes with mission accomplishment and unit cohesion. Such behavior by Soldiers or Army Civilians will not be tolerated.

(4) I fully acknowledge that I have the duty and responsibility to report immediately any violation of the above stated policy. In addition, I acknowledge that I am aware of the Army policy stated above and any violation could be grounds for adverse action or criminal charges under the UCMJ. If a violation of the above policy occurs while I am a member of the Delayed Entry/Training Program (Future Soldier Training Program), I may contact the battalion executive officer or commander at (210) 295–0811 .

b. The U.S. Army has zero tolerance for conduct or behavior that violates the policy stated above.

c. The Army policy stated above may be found in Army Regulation 600–20, Army Command Policy.

11. PROHIBITED ACTIVITIES:

a. I understand that the U.S. Army strictly prohibits any social activity of a personal, unofficial nature between U.S. Army Recruiting Command personnel and members of the Delayed Entry Program (Future Soldier Training Program). Prohibited activities include:

(1) Any type of romantic or sexual conduct.

(2) Sharing of lodging.

(3) Sharing of a personal vehicle.

(4) Drinking of alcoholic beverages.

- (5) Personal employment, such as babysitting and maintenance work.
- (6) Exchange of money; to include loaning, giving, receiving, borrowing or gambling.
- (7) Exchange of personal property; to include selling, purchasing, leasing, giving, receiving, loaning, and borrowing.
- b. I understand that Future Soldier (Delayed Training) Program functions are official in nature and are not considered personal, social activity; therefore, the above rules still apply to those functions.
- c. I understand that if I become aware of any recruiting personnel violating any of these rules, I will report it immediately to the battalion executive officer whose telephone number is:
(210) 295-0811 .
- d. I understand that between recruiting personnel and Future Soldiers there will be no sex, no dating, no sleepovers, no sharing of property, no drinking of alcohol, no financial deals, no improper touching, no profane language, no verbal sexual suggestions, and no sexual harassment.

12. PARTICIPATION IN EXTREMIST ORGANIZATIONS OR ACTIVITIES:

- a. Participation in extremist organizations and activities by Army personnel is inconsistent with the responsibilities of military Service. It is the policy of the United States Army to provide equal opportunity and treatment for all Soldiers without regard to race, color, religion, gender, or national origin. Enforcement of this policy is a responsibility of command, is vitally important to unit cohesion and morale, and is essential to the Army's ability to accomplish its mission. It is the commander's responsibility to maintain good order and discipline in the unit. Every commander has the inherent authority to take appropriate actions to accomplish this goal. This paragraph identifies prohibited actions by Soldiers involving extremist organizations, discusses the authority of the commander to establish other prohibitions, and establishes that violations of prohibitions contained in this paragraph or those established by a commander may result in prosecution under various provisions of the Uniform Code of Military Justice (UCMJ).
- (1) Participation. Military personnel must reject participation in extremist organizations and activities. Extremist organizations and activities are ones that advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, sex, religion, or national origin; advocate the use of or use force or violence or unlawful means to deprive individuals of their rights under the United States Constitution or the laws of the United States or any State; or advocate or seek to overthrow the Government of the United States, or any State by unlawful means.
- (2) Prohibitions. Soldiers are prohibited from the following actions in support of extremist organizations or activities. Penalties for violation of these prohibitions include the full range of statutory and regulatory sanctions, both criminal (UCMJ) and administrative:
- (3) Participating in a public demonstration or rally;
- (4) Attending a meeting or activity with knowledge that the meeting or activity involves an extremist cause when on duty, when in uniform, when in a foreign country (whether on- or off-duty or in uniform), when it constitutes a breach of law and order, when violence is likely to result, or when in violation of off-limits sanctions or a commander's order;
- (5) Fund-raising;
- (6) Recruiting or training members (including encouraging other Soldiers to join);
- (7) Creating, organizing, or taking a visible leadership role in such an organization or activity; or
- (8) Distributing literature on or off a military installation the primary purpose and content of which concerns advocacy or support of extremist causes, organizations, or activities and it appears that the literature presents a clear danger to the

loyalty, discipline, or morale of military personnel, or if the distribution would materially interfere with the accomplishment of a military mission.

- b. I acknowledge that I have read and fully understand the Army's policy regarding a Soldier's participation in extremist organizations or activities. If I request, a complete copy of AR 600-20, paragraph 4-12, will be provided to me.

13. UNIFORM AND APPEARANCE:

- a. I acknowledge that I have been informed of the U.S. Army uniform and appearance policy. I understand that:

- (1) AR 670-1 (Wear and Appearance of Army Uniforms and Insignia) contains personal appearance policies which I will be required to comply with. Soldiers are expected to maintain good daily hygiene and wear their uniform so as not to detract from an overall military appearance.
- (2) I have been informed that provisions of AR 670-1 as it applies to personal appearance include specific policy with regard to tattoos and brands.
- (3) The current policy is as follows:
 - (a.) Tattoo or brand, regardless of subject matter, are prohibited on the head, face (except for permanent makeup, as provided in AR 670-1 paragraph 3-2b(2)), neck (anything above the t-shirt neckline to include on/inside the eyelids, mouth, and ears), wrists, hands, except Soldiers may have one ring tattoo on each hand, below the joint of the bottom segment (portion closest to the palm) of the finger. Accessing applicants must adhere to this policy.
 - (b.) The following types of tattoos or brands are prejudicial to good order and discipline and are therefore, prohibited anywhere on a Soldier's body:

Extremist. Extremist tattoos or brands are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, religion, or national origin; or advocate violence or other unlawful means of depriving individual rights under the U.S. Constitution, and Federal or State law (see AR 600-20).

Indecent. Indecent tattoos or brands are those that are grossly offensive to modesty, decency, propriety, or professionalism.

Sexist. Sexist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on gender.

Racist. Racist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.

- (c.) Soldiers may not cover tattoos or brands with bandages or make up in order to comply with the tattoo policy.

- (d.) Any person who is not in compliance with AR 670-1 as it applies to tattoos and brands will not be accepted for enlistment in the U.S. Army.

- (4) **Body mutilation.** Willful mutilation of the body or any body part in any manner is prohibited. Examples include but are not limited to tongue splitting or ear gauging.

- b. I have been advised that while a member of the U.S. Army, to include the Delayed Entry (Future Soldier Training) Program, I may not violate the above policy. I will refrain from obtaining tattoos or brands or I may be denied entry for violation of the above expressed policy.

- c. I hereby state I have revealed the existence of all tattoos and brands during my medical examination. I have further revealed to my recruiter and guidance counselor that

I DO NOT HAVE ANY TATTOOS.

SECTION IX -ADDENDUMS

The following addendum's have been attached and are part of my enlistment agreement:

Selected Reserve Montgomery GI Bill

AUTHENTICATION

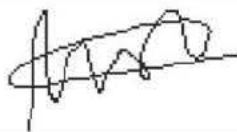
1. I am aware that I must reveal all criminal offenses, cases, and arrests to include juvenile and those charges that have been expunged, dismissed, set aside, or not prosecuted. I must reveal all responsibilities I have with respect to children or spouse. I must reveal all prior military service.
2. I have not concealed any medical information and I further state that if anyone has told me to conceal, omit from my application, or falsify any information I must report any misconduct on anyone's part that is involved with my recruiting process immediately to the recruiting battalion executive officer.
3. That no person has advised me to conceal any information with respect to my enlistment.
4. I have read and understand the statements above and that these statements are intended to constitute ALL promises and guarantees whatsoever concerning my enlistment. No other (verbal or otherwise) promise or representation not annexed to my enlistment contract is valid or will be honored. I hereby state that I have NOT been promised anything other than what is written on this form and hereby waive any claim based upon any promise or representation not annexed to my contract. I further state that I have provided my recruiter and guidance counselor all information concerning my qualifications and that no official in the U.S. Army or any other agency has advised me to conceal, nor have I concealed information in connection with my enlistment.
5. I have provided my recruiter and guidance counselor all information required on my application for enlistment. I certify that I have read and fully understand the contents of this form and that no one has told me to conceal any information. I further state that all of the documents such as my birth certificate, high school or college transcripts, diplomas, social security card, or other documents in my enlistment or appointment packet are mine and were not falsified. It is prohibited to have anyone assist me in taking the Armed Services Vocational Aptitude Battery (ASVAB). I certify that no one has given me any answers to the test questions and that the scores I achieved were through my own efforts and I received no assistance taking the ASVAB.

**TYPED NAME AND SSN OF
APPLICANT**

SIGNATURE OF APPLICANT

DATE

Hiren Savjibhai Korat
[REDACTED]



20160706

SECTION X -CERTIFICATION BY WITNESSING OFFICIAL

I certify that I have read and explained all of the conditions and stipulations concerning service obligations, methods of fulfillment, and satisfactory participation as set forth above under which the individual is, or will become, a member of the Army Reserve. Following this reading and explanation, a copy of this certificate was furnished the above named individual.

I have reviewed all of the required source documents that support this enlistment record and I hereby verify that each source document

NAME: Korat, Hiren Savjibhai

SSN: [REDACTED]

currently reflected in ERM is a legible copy

**TYPED NAME AND GRADE OF
COUNSELOR**

SIGNATURE OF WITNESSING OFFICIAL DATE

Mr [REDACTED] 007



20160706



**ENLISTMENT/REENLISTMENT DOCUMENT
ARMED FORCES OF THE UNITED STATES**

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 3331; 10 U.S.C. 113, 136, 502, 504, 505, 506, 507, 508, 509, 510, 513, 515, 516, 518, 519, 972, 978, 2107, 2107a, 3253, 3258, 3262, 5540, 8252, 8253, 8257, 8258, 12102, 12103, 12104, 12105, 12106, 12107, 12108, 12301, 12302, 12304, 12305, 12405; 14 USC 351, 632; 32 U.S.C. 301, 302, 303, 304; and Executive Order 9397, November 1943 (SSN).

PRINCIPAL PURPOSE(S): To record enlistment or reenlistment into the U.S. Armed Forces. This information becomes a part of the subject's military personnel records which are used to document promotion, reassignment, training, medical support, and other personnel management actions. The purpose of soliciting the SSN is for positive identification.

ROUTINE USE(S): This form becomes a part of the Service's Enlisted Master File and Field Personnel File. All uses of the form are internal to the relevant Service.

DISCLOSURE: Voluntary; however, failure to furnish personal identification information may negate the enlistment/reenlistment application.

A. ENLISTEE/REENLISTEE IDENTIFICATION DATA

1. NAME (Last, First, Middle) KORAT HIREN SAVJIBHAI		2. SOCIAL SECURITY NUMBER [REDACTED]	
3. HOME OF RECORD (Street, City, County, State, Country, ZIP Code) [REDACTED] (FORT BEND), TX, US, 77477		4. PLACE OF ENLISTMENT/REENLISTMENT (Mil. Installation, City, State) HOUSTON MEPS HOUSTON, TX 77052-0000	
5. DATE OF ENLISTMENT/REENLISTMENT (YYYYMMDD) 20160706	6. DATE OF BIRTH (YYYYMMDD) 1989 [REDACTED]	7. PREV MIL SVC UPON ENL/REENLIST	YEARS MONTHS DAYS
		a. TOTAL ACTIVE MILITARY SERVICE	
		b. TOTAL INACTIVE MILITARY SERVICE	

B. AGREEMENTS

8. I am enlisting/reenlisting in the United States (*list branch of service*) **ARMY RESERVE**
this date for 8 years and 0 weeks beginning in pay grade E-4 of which
0 years and 0 weeks is considered an Active Duty Obligation, and 6 years and
0 weeks will be served in the Reserve Component of the Service in which I have enlisted. If this is an initial
enlistment, I must serve a total of eight (8) years, unless I am sooner discharged or otherwise extended by the appropriate
authority. This eight year service requirement is called the Military Service Obligation. The additional details of my enlistment/
reenlistment are in Section C and Annex(es) (*list name of Annex(es) and describe*)
A

a. FOR ENLISTMENT IN A DELAYED ENTRY/ENLISTMENT PROGRAM (DEP):

I understand that I am joining the DEP. I understand that by joining the DEP I am enlisting in the Ready Reserve component of the
United States (*list branch of service*) _____ for a period not to exceed
365 days, unless this period of time is otherwise extended by the Secretary concerned. While in the DEP, I understand that I am in
a nonpay status and that I am not entitled to any benefits or privileges as a member of the Ready Reserve, to include, but not
limited to medical care, liability insurance, death benefits, education benefits, or disability retired pay if I incur a physical disability. I
understand that the period of time while I am in the DEP is NOT creditable for pay purposes upon entry into a pay status. However,
I also understand that the period of time while I am in the DEP is counted toward fulfillment of my military service obligation
described in paragraph 10, below. While in the DEP, I understand that I must maintain my current qualifications and keep my
recruiter informed of any changes in my physical or dependency status, qualifications, and mailing address. I understand that I
WILL be ordered to active duty unless I report to the place shown in item 4 above by (*list date (YYYYMMDD)*) _____
for enlistment in the Regular component of the United States (*list branch of service*) _____

for not less than _____ years and _____ weeks.

b. REMARKS: (*If none, so state.*) **NONE**

c. The agreements in this section and attached annex(es) are all the promises made to me by the Government. **ANYTHING ELSE
ANYONE HAS PROMISED ME IS NOT VALID AND WILL NOT BE HONORED.**
(*Initials of Enlistee/Reenlistee*) **Biometrically Signed**

(Continued on Page 2)





C. PARTIAL STATEMENT OF EXISTING UNITED STATES LAWS

9. FOR ALL ENLISTEES OR REENLISTEES:

I understand that many laws, regulations, and military customs will govern my conduct and require me to do things under this agreement that a civilian does not have to do. I also understand that various laws, some of which are listed in this agreement, directly affect this enlistment/reenlistment agreement. Some examples of how existing laws may affect this agreement are explained in paragraphs 10 and 11. I understand that I cannot change these laws but that Congress may change these laws, or pass new laws, at any time that may affect this agreement, and that I will be subject to those laws and any changes they make to this agreement. I further understand that:

a. My enlistment/reenlistment agreement is more than an employment agreement. It effects a change in status from civilian to military member of the Armed Forces. As a member of the Armed Forces of the United States, I will be:

- (1) Required to obey all lawful orders and perform all assigned duties.
- (2) Subject to separation during or at the end of my enlistment. If my behavior fails to meet acceptable military standards, I may be discharged and given a certificate for less than honorable service, which may hurt my future job opportunities and my claim for veteran's benefits.
- (3) Subject to the military justice system, which means, among other things, that I may be tried by military courts-martial.
- (4) Required upon order to serve in combat or other hazardous situations.
- (5) Entitled to receive pay, allowances, and other benefits as provided by law and regulation.

b. Laws and regulations that govern military personnel may change without notice to me. Such changes may affect my status, pay, allowances, benefits, and responsibilities as a member of the Armed Forces **REGARDLESS** of the provisions of this enlistment/reenlistment document.

10. MILITARY SERVICE OBLIGATION, SERVICE ON ACTIVE DUTY AND STOP-LOSS FOR ALL MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS, INCLUDING THE NATIONAL GUARD.

a. **FOR ALL ENLISTEES:** If this is my initial enlistment, I must serve a total of eight (8) years, unless I am sooner discharged or otherwise extended by the appropriate authority. This eight year service requirement is called the Military Service Obligation. Any part of that service not served on active duty must be served in the Reserve Component of the service in which I have enlisted. If this is a reenlistment, I must serve the number of years specified in this agreement, unless I am sooner discharged or otherwise extended by the appropriate authority. Some laws that affect when I may be ordered to serve on active duty, the length of my service on active duty, and the length of my service in the Reserve Component, even beyond the eight years of my Military Service Obligation, are discussed in the following paragraphs.

b. I understand that I can be ordered to active duty at any time while I am a member of the DEP. In a time of war, my enlistment may be extended without my consent for the duration of the war and for six months after its end (10 U.S.C. 506, 12103(c)).

c. As a member of a Reserve Component of an Armed Force, in time of war or of national emergency declared by the Congress, I may, without my consent, be ordered to serve on active duty, for the entire period of the war or emergency and for six (6) months after its end (10 U.S.C. 12301(a)). My enlistment may be extended during this period without my consent (10 U.S.C. 12103(c)).

d. As a member of the Ready Reserve (to include Delayed Entry Program), in time of national emergency declared by the President, I may, without my consent, be ordered to serve on active duty, and my military service may be extended without my consent, for not more than 24 consecutive months (10 U.S.C. 12302). My enlistment may be extended during this period without my consent (see paragraph 10g).

e. As a member of the Ready Reserve, I may, at any time and without my consent, be ordered to active duty to complete a total of 24 months of active duty, and my enlistment may be extended so I can complete the total of 24 months of active duty, if:

- (1) I am not assigned to, or participating unsatisfactorily in, a unit of the Ready Reserve; and
- (2) I have not met my Reserve obligation; and
- (3) I have not served on active duty for a total of 24 months (10 U.S.C. 12303).

f. As a member of the Selected Reserve or as a member of the Individual Ready Reserve mobilization category, when the President determines that it is necessary to augment the active forces for any operational mission or for certain emergencies, I may, without my consent, be ordered to active duty for not more than 365 days (10 U.S.C. 12304). My enlistment may be extended during this period without my consent (see paragraph 10g).

g. During any period members of a Reserve component are serving on active duty pursuant to an order to active duty under authority of 10 U.S.C. 12301, 12302, or 12304, the President may suspend any provision of law relating to my promotion, retirement, or separation from the Armed Forces if he or his designee determines I am essential to the national security of the United States. Such an action may result in an extension, without my consent, of the length of service specified in this agreement. Such an extension is often called a "stop-loss" extension (10 U.S.C. 12305).

h. I may, without my consent, be ordered to perform additional active duty training for not more than 45 days if I have not fulfilled my military service obligation and fail in any year to perform the required training duty satisfactorily. If the failure occurs during the last year of my required membership in the Ready Reserves, my enlistment may be extended until I perform that additional duty, but not for more than six months (10 U.S.C. 10148).

11. FOR ENLISTEES/REENLISTEES IN THE NAVY, MARINE CORPS, OR COAST GUARD: I understand that if I am serving on a naval vessel in foreign waters, and my enlistment expires, I will be returned to the United States for discharge as soon as possible consistent with my desires. However, if essential to the public interest, I understand that I may be retained on active duty until the vessel returns to the United States. If I am retained under these circumstances, I understand I will be discharged not later than 30 days after my return to the United States; and, that except in time of war, I will be entitled to an increase in basic pay of 25 percent from the date my enlistment expires to the date of my discharge.

12. FOR ALL MALE APPLICANTS: Completion of this form constitutes registration with the Selective Service System in accordance with the Military Selective Service Act. Incident thereto the Department of Defense may transmit my name, permanent address, military address, Social Security Number, and birthdate to the Selective Service System for recording as evidence of the registration.

(Initials of Enlistee/Reenlistee) **Biometrically Signed**





NAME OF ENLISTEE/REENLISTEE (Last, First, Middle) KORAT HIREN SAVJIBHAI	SOCIAL SECURITY NO. OF ENLISTEE/REENLISTEE [REDACTED]
--	--

D. CERTIFICATION AND ACCEPTANCE

13a. My acceptance for enlistment is based on the information I have given in my application for enlistment. If any of that information is false or incorrect, this enlistment may be voided or terminated administratively by the Government or I may be tried by a Federal, civilian, or military court and, if found guilty, may be punished.

I certify that I have carefully read this document, including the partial statement of existing United States laws in Section C and how they may affect this agreement. Any questions I had were explained to my satisfaction. I fully understand that only those agreements in Section B and Section C of this document or recorded on the attached annex(es) will be honored. I also understand that any other promises or guarantees made to me by anyone that are not set forth in Section B or the attached annex(es) are not effective and will not be honored.

b. SIGNATURE OF ENLISTEE/REENLISTEE

Biometrically Signed

c. DATE SIGNED (YYYYMMDD)

20160706 13:14:41

14. SERVICE REPRESENTATIVE CERTIFICATION

a. On behalf of the United States (list branch of service) ARMY, I accept this applicant for enlistment. I have witnessed the signature in item 13b to this document. I certify that I have explained that only those agreements in Section B of this form and in the attached Annex(es) will be honored, and any other promises made by any person are not effective and will not be honored.

b. NAME (Last, First, Middle)

c. PAY GRADE
GS-8

d. UNIT/COMMAND NAME
USA RECRUITING BATTALION

e. SIGNATURE

Biometrically Signed

f. DATE SIGNED
(YYYYMMDD)

20160706 13:14:41

g. UNIT/COMMAND ADDRESS (City, State, ZIP Code)
HOUSTON TEXAS
TX 77052

E. CONFIRMATION OF ENLISTMENT OR REENLISTMENT

15. IN THE ARMED FORCES EXCEPT THE NATIONAL GUARD (ARMY OR AIR):

I, HIREN SAVJIBHAI KORAT, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.

16. IN THE NATIONAL GUARD (ARMY OR AIR):

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the State of _____ against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the Governor of _____ and the orders of the officers appointed over me, according to law and regulations. So help me God.

17. IN THE NATIONAL GUARD (ARMY OR AIR):

I do hereby acknowledge to have voluntarily enlisted/reenlisted this _____ day of _____, _____ in the _____ National Guard and as a Reserve of the United States (list branch of service) _____ with membership in the _____ National Guard of the United States for a period of _____ years, _____ months, _____ days, under the conditions prescribed by law, unless sooner discharged by proper authority.

18.a. SIGNATURE OF ENLISTEE/REENLISTEE

Biometrically Signed

b. DATE SIGNED (YYYYMMDD)

20160706 14:10:10

19. ENLISTMENT/REENLISTMENT OFFICER CERTIFICATION

a. The above oath was administered, subscribed, and duly sworn to (or affirmed) before me this date.

b. NAME (Last, First, Middle)

c. PAY GRADE
O-3

d. UNIT/COMMAND NAME
HOUSTON MEPS

e. SIGNATURE

Biometrically Signed

f. DATE SIGNED
(YYYYMMDD)

20160706 14:10:10

g. UNIT/COMMAND ADDRESS (City, State, ZIP Code)
HOUSTON
TX 77052

(Initials of Enlistee/Reenlistee) Biometrically Signed





DEPARTMENT OF THE ARMY
7249TH MEDICAL SUPPORT UNIT
19049 AEROSPACE AVE STE 2215
HOUSTON, TX 77034

24 JANUARY 2018

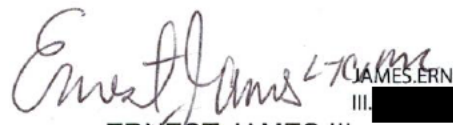
MEMORANDUM FOR U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services

SUBJECT: Request to Expedite Naturalization Application Process for SPC Hiren Korat

1. I am writing this letter to request that you expedite the processing of the N-400 application for SPC Korat, Hiren due to the limitations the pending application is placing on SPC Korat's activities in the U.S. Army. Currently, SPC Korat is a Selected Reservist of the U.S. Army. He enlisted through the MAVNI (Military Accessions Vital to the National Interest) program on July 6, 2016. SPC Korat has been serving honorably since his enlistment. Under my supervision, SPC Korat has demonstrated the skills, dedication, and moral character of a good soldier.

2. SPC Korat enlisted in the Army as a General Dentist (63A), but he is not eligible to perform the tasks of his Military Occupational Specialty (MOS) until he has naturalized as a U.S. citizen. The delay in the N-400 process is preventing SPC Korat from utilizing his valuable medical skills in his unit. SPC Korat is an important member of our unit and his education and skills are highly sought after in the U.S. Army.

3. If you need any additional information in order to expedite SPC Korat's naturalization application, please feel free to contact me at [REDACTED] or [REDACTED]


JAMES, ERNEST.
III. [REDACTED]
ERNEST JAMES III
LTC, MC, USAR
Commanding

To:

Dr. Korat,

I just received an email stating your security clearance is finally approved and prior to sending out unit orders they want to ensure your home address is still current. How you moved at all in the last 2 years? Thanks

Respectfully,

CPT, AN-BC, BSN
US Army Medical Programs Officer in Charge
1213 Hermann Drive, STE610
Houston, TX 77004