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1 - DECLARATION OF AYMAN LATIF
In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
In Opposition to Defendants' Motion for Partial Summary Judgment

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In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
In Opposition to Defendants' Motion for Partial Summary Judgment

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

AYMAN LATIF, *et al.*,

Plaintiffs,

v.

ERIC H. HOLDER, JR., *et al.*,

Defendants.

Case No.: 10-cv-750 (BR)

**DECLARATION OF AYMAN
LATIF IN SUPPORT OF
PLAINTIFFS' CROSS-MOTION
FOR PARTIAL SUMMARY
JUDGMENT AND IN
OPPOSITION TO DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

I, Ayman Latif, hereby declare and state as follows pursuant to 28 U.S.C. § 1746:

1. I submit this declaration based on my personal knowledge in support of Plaintiffs' cross-motion for partial summary judgment and in opposition to Defendants' motion for partial summary judgment in the above-captioned case.

2. I am a U.S. citizen and veteran of the U.S. Marine Corps.

3. I was born and raised in Miami, Florida. I currently live with my wife and children in Stone Mountain, Georgia.

4. In 1999, the U.S. Department of Veterans Affairs determined that I was disabled as a result of serious injuries to my neck, back, and hips sustained during an auto accident in the final year of my service as a Marine.

5. Prior to April 13, 2010, I flew for years without any problems.

6. In November 2008, I flew with my wife and family to Egypt, so that I could study Arabic. After the birth of our daughter in 2009, my wife and I sought to return to Florida to be

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In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
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with relatives, including my mother, who was elderly and very ill. We planned to travel home by flying from Cairo to Miami via Madrid.

7. On April 13, 2010, I was denied boarding on my flight from Cairo to Madrid. An airline supervisor informed me that the U.S. Embassy instructed the airline not to let me board.

8. I felt humiliated that everyone who was near me in the airport, including my wife and children, could see that I was denied boarding on my flight. I felt embarrassed that other air passengers and airline employees in the ticketing area heard the airline supervisor state that the U.S. government would not permit me to board my flight. As a U.S. Marine Corps veteran, I felt that my reputation was tarnished. I felt like I was being treated like a suspected terrorist.

9. About one month later, I was questioned by two FBI agents, one of whom told me that I was on the No Fly List.

10. In or around the middle of May 2010, I learned from my mother-in-law in Florida that the U.S. Department of Veteran Affairs ("VA") had written to inform me that my service-connected disability benefits would be reduced from \$899.00 to \$293.00 per month.

11. I called the VA and was told that I had been scheduled to attend a Disability Evaluation on April 15, 2010, which I had missed. Because I had been denied boarding on my April 13, 2010 flight, I was not in Florida on April 15, 2010 and missed the evaluation.

12. I was unable to reschedule my Disability Evaluation because I was unable to fly from Egypt to the United States due to my placement on the No Fly List.

13. I received a July 27, 2010 letter from the Disabled American Veterans National Service Office stating that my disability benefits would be cut to zero, effective October 1, 2010.

14. I could not reschedule my Disability Evaluation because I could not travel to Miami due to my placement on the No Fly List. I researched whether I could make the trip by

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In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
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ship, but could not find any ships departing Egypt that would connect to a ship making the transatlantic passage.

15. My monthly disability benefit was subsequently reduced by approximately \$600 per month.

16. In August 2010, U.S. officials instructed me to coordinate travel arrangements to return to the United States by plane with the U.S. Embassy in Cairo. I understood this to mean that I was being granted a "one-time waiver" to fly to the United States. However, U.S. officials expressly refused to make any assurances that I would be able to fly in the future.

17. Using the one-time waiver, I finally flew home to Miami and arrived on October 8, 2010. I had been stranded outside the United States for more than five months because of my placement on the No Fly List.

18. Because I am on the No Fly List, I am unable to travel from Georgia to Egypt to resume my studies, or to Saudi Arabia to perform *hajj*, a religious pilgrimage and Islamic obligation. I cannot afford the cost of purchasing tickets to travel over land and by ship from Georgia to either Egypt or Saudi Arabia. Nor could I physically endure these journeys. Because of my neck, back and hip injuries, I am not physically able to undertake a weeks-long journey over land and by ship from the United States to Egypt or Saudi Arabia.

19. I have no idea why the government has put me on the No Fly List. I have never been charged, indicted, or convicted of a terrorism crime in a U.S. or foreign court. No government official has ever told me why I was denied boarding or why I would be included in the No Fly List. Because of this, I simply do not know how to explain that I should not be on the No Fly List, or what information I should provide in my defense.

20. I do not pose a threat to civil aviation or national security. I would be willing to undergo any suitable screening procedures in order to be permitted to board planes.

21. I declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on March 21, 2013


AYMAN LATIF