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**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
ABDUL HAKEIM THABET
AHMED IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

I, Abdul Hakeim Thabet Ahmed, 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 the motion by me and Plaintiffs Ayman Latif, Faisal Nabin Kashem, Elias Mustafa Mohamed, Samir Mohamed Ahmed Mohamed, Abdullatif Muthanna, and Saleh A. Omar for a preliminary injunction in the above-captioned case.

2. I am a citizen of Yemen and have been a lawful permanent resident of the United States since 1990, when I first arrived in the United States.

3. I am a resident of Rochester, New York, where I work as a vendor.

4. Since becoming a lawful permanent resident of the United States, I have resided continuously in the United States with no extended absences. I meet the statutory definitions for a finding of “good moral character” and am eligible to apply for naturalization as a U.S. citizen.

5. My family, including my wife, children, and parents, resides in Yemen. As of the beginning of August 2009, I had not visited my family in Yemen for more than two years. I purchased a round-trip ticket to travel by Saudi Arabian Airlines from New York to Aden, Yemen with a change of aircraft and a three-day layover in Jeddah, Saudi Arabia each way. According to this itinerary, I would arrive in Yemen on August 10, 2009, and return to the United States on February 1, 2010.

6. On or around August 6, 2009, I flew without incident from New York to King Abdulaziz International Airport near Jeddah. During my three-day layover in Jeddah, I completed an *umrah*, an Islamic pilgrimage to Mecca. I flew to Aden without incident on August 10, 2009.

7. After visiting my family as planned, I began my return trip home to Rochester on February 1, 2010. I traveled without incident on Saudi Arabian Airlines from Aden to King Abdulaziz International Airport. After spending my three-day layover in the city of Jeddah, I returned to King Abdulaziz International Airport on February 4, 2010 to board my Saudi Arabian Airlines flight to New York.

8. At the airport, I went to the Saudi Arabian Airlines check-in counter. An airline employee told me that I could not board my flight because my name was on a list of people who could not travel. I felt confused and embarrassed to be singled out this way. The airline employee would not answer any questions and told me to go to the U.S. Consulate in Jeddah to deal with the problem.

9. I left the airport and went to the U.S. Consulate in Jeddah. I explained my situation to a consulate staff member. The staff member checked my documents and told me that the denial of boarding was not an immigration problem, but a security problem. I made copies of my identification papers and other documents and provided them to the consulate staff member. I was told to come back later.

10. I remained in Jeddah for a month and a half. I went to the U.S. Consulate many times to determine why I had been denied boarding on my Saudi Arabian Airlines flight and to find a way to fly back home to the United States. During my first trips to the consulate, I was told to return later because the consular officer was traveling. I thereafter met with the consular officer four times. During the fourth meeting, the consular officer informed me that she could not assist me and instructed me to return to Yemen and follow up with the U.S. Embassy in Sana'a.

11. After my last meeting with the consular officer, I went to the airport to secure a ticket to fly back to Yemen. A Saudi Arabian Airlines employee advised me to travel from Jeddah to Aden by bus and to seek reimbursement for my unused plane ticket from Jeddah to New York, rather than to exchange the unused ticket for a new plane ticket from Jeddah to Aden.

12. On or around March 13, 2010, I purchased a bus ticket from Jeddah to Aden for 200 Saudi riyals. I left the same day and reached Aden approximately twelve hours later.

13. On or around March 17, 2010, I traveled from Aden to the U.S. Embassy in Sana'a, where I was interviewed by a consular officer. The officer told me that I was on the No Fly List and that he could not provide any reason for my placement on this list. The officer asked me whether I had traveled to Afghanistan or knew anyone who had done so. I responded that I had not and that I did not know anyone who had. The officer also asked me questions about the mosque I attended in the United States and asked for the name of the mosque and of the mosque's imam. I answered their questions, but could not provide much information because I did not know much other than the imam's name. The officer told me that he would send an inquiry on my behalf and told me to return to the embassy in two days to see if there was any response.

14. Two days later, I met with the consular officer in the U.S. Embassy. He informed me that he had no updates. He asked me to leave my phone number and e-mail address and told me that I would be contacted if there were any developments in my case. The consular officer also gave me a phone number to call. He told me to check in every week and to ask for "Dennis," a U.S. official, for any follow-up information.

15. I have been unable to reach "Dennis" or to otherwise receive any information about my case by calling the phone number given to me by the consular officer. Several times, I have been unable to reach anyone at that number. On other occasions, a U.S. official has answered and told me that there is no new information

about my case, that Dennis is unavailable, or that I will have to “wait” because there are “many people before” me, presumably also inquiring about their inability to fly.

16. Since my return to Yemen in March 2010, I have traveled from Aden to the U.S. Embassy in Sana’a two or three times a month to find out why I was denied boarding and when I will be permitted to fly home to the United States. The trip from Aden to Sana’a takes fourteen hours round-trip and requires me to stay overnight in Sana’a. Usually, I am met by an embassy staff member who inspects my documents, tells me that there is still no news, and asks me to check in later.

17. I have been unable to work since being denied boarding on my February 4, 2010 Saudi Arabian Airlines flight. I lacked authorization to work in Saudi Arabia. I have been unable to find paid employment since my return to Yemen in March 2010. As a result, I have been forced to borrow money to support my family and to pay for the cost of providing medical treatment for my wife and daughter, who suffer from serious medical conditions that have recently required them to be hospitalized. As a result, I have accumulated over \$15,000 of debt.

18. On July 27, 2010, I submitted a Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP) form describing the circumstances in which I was denied boarding on my Saudi Arabian Airlines flight on February 4, 2010. I was assigned Redress Control Number 2106577.

19. I present no security threat to commercial aviation and know of no reason why I would be placed on the No Fly List.

20. To this day, I cannot return home to the United States. I have been denied the ability to travel by commercial airline from abroad to the United States. I have been

told by a U.S. official that I was on the No Fly List and that I will not be permitted to travel on any commercial flight to the United States or over U.S. airspace.

21. I know of no way to travel from Yemen to the United States by boat. I cannot afford to attempt to travel to the United States by flying to a third country and risking detention or being turned back to Yemen.

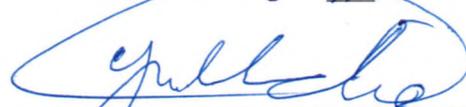
22. I am unable to return to Rochester and to resume my work as a vendor as I had planned because Defendants have barred me from boarding commercial flights to and from the United States and over U.S. airspace. As a result, I am experiencing extreme financial hardship.

23. I fear that based on my absence from the United States in excess of 180 days since my departure from the United States on or around August 6, 2009, the government may seek to rescind my lawful permanent resident status, despite the fact that my absence from the United States past February 4, 2010 has been entirely involuntary and the result of the actions of the Defendants in this case.

24. I also fear that my involuntary absence from the United States past February 4, 2010 may jeopardize my right to naturalize as a U.S. citizen.

25. I declare and state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on August 11, 2010



Abdul Hakeim Thabet Ahmed