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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
FAISAL NABIN KASHEM
IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION**

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

2. I am a twenty-two-year-old citizen of the United States and a resident of Connecticut. My family and I moved to Connecticut when I was in middle school.

3. I graduated from the University of Connecticut in 2007 with an undergraduate degree in accounting. I worked for one year for Accenture, a consulting firm based in Hartford, Connecticut.

4. In January 2010, I enrolled in a fully-funded, two-year Arabic language certificate program at the Islamic University of Al-Madinah Al-Munawwarah in Medina, Saudi Arabia. I planned to start that month. I sought to complete the program and subsequently to enroll in a four-year degree program in Islamic Studies at the university.

5. On January 7, 2010, I flew from New York's John F. Kennedy International Airport to Medina, with a change of planes at King Abdulaziz International Airport near Jeddah. I flew without incident to Medina and commenced my studies.

6. I planned to return home to Connecticut for my summer vacation from school between June and September 2010. I hoped to spend the vacation with my family.

7. On June 23, 2010, I took a domestic flight from Medina to King Abdulaziz International Airport. At around 11:00 P.M., I attempted to check in for Saudi Arabian Airlines Flight 21, which was scheduled to leave for John F. Kennedy International Airport at 1:55 A.M.. I waited in line for a Saudi Arabian Airlines employee to scan my passport. After scanning my passport, an airline employee told me that I was on the "No Fly List" and that the U.S. government had barred me from flying to the United States.

8. I felt embarrassed and confused. I did not know why I was not permitted to board my flight as planned. I felt humiliated that airline staff and other passengers in

the check-in area heard the airline employee tell me that I am on the No Fly list and that my own government had barred me from flying to the United States. I was embarrassed that everyone there thought I had done something wrong or posed a security threat.

9. I asked the Saudi Arabian Airlines employee if I could talk to anyone at the airport for help. The employee said that I would have to be cleared by the U.S. government to fly and indicated that I should speak to an agent at the ticketing counter to attempt to recover the value of my ticket.

10. I cancelled my flight on Saudi Arabian Airlines before it departed so that I would not lose the value of the ticket.

11. I called the emergency number for the U.S. Consulate in Jeddah. The duty officer told me that she could not assist me. She provided me with the phone number of the U.S. Embassy in Riyadh. I was not able to reach a duty officer in Riyadh.

12. I secured accommodations at a friend's home for several nights in Jeddah so that I could stay in the city while seeking to determine why I could not fly. I knew I would need to spend several days in Jeddah because I was denied boarding in the early morning hours on a Thursday and offices in Jeddah are closed on Thursday and Friday for the weekend.

13. On Friday morning, June 25, 2010, I received a call from Elias Mustafa Mohamed, a fellow student in the Arabic language certificate program at the Islamic University of Al-Madinah Al-Munawwarah. Mr. Mohamed told me that he too had been denied boarding on a flight and was told that he was on the No Fly List.

14. I met with Mr. Mohamed later that day. We went to a store where I photocopied and scanned my identification papers and completed an online application

with the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP), in which I described the circumstances in which I was denied boarding on my June 24, 2010 Saudi Arabian Airlines flight. I was assigned Redress Control Number 2103133.

15. The following morning, on June 26, 2010, Mr. Mohamed and I went to the U.S. Consulate in Jeddah. At the consulate, we were met by two U.S. government officials. One official introduced himself as Chris O'Brien and stated that he was a "point of contact" for the "U.S. Consulate Department of State." Another individual introduced himself as Stephen Sekellick and stated that he worked in security at the consulate. The officials asked me about my living situation in Saudi Arabia, my studies, and the amount of the stipend I received from the Islamic University. The officials told me that they were collecting information about me that would be given to a "case manager." Mr. Mohamed was also questioned by Mr. O'Brien and Mr. Sekellick. Afterwards, Mr. Mohamed and I returned in a cab to our dormitories in Medina.

16. On July 1, 2010, I received a call from Chris O'Brien. He asked me and Mr. Mohamed to come to the U.S. Consulate in Jeddah on July 6, 2010 at 2:00 P.M. for an interview with a "case manager" from Riyadh.

17. On July 6, 2010, Mr. Mohamed and I made the four-hour trip from Medina to Jeddah. Mr. O'Brien met us at the U.S. Consulate. While Mr. Mohamed waited in the lobby, Mr. O'Brien escorted me to a separate room. Just before opening the door to the room, Mr. O'Brien told me, "FBI agents from Connecticut are here to see you." I was surprised because Mr. O'Brien previously had told me that I would be meeting with a "case manager."

18. Two FBI agents from Connecticut were waiting in the room for me. They introduced themselves as Tim Bonarski and Andy Klopfer. I requested to call a lawyer from the Council on American-Islamic Relations, so that she could represent me during the interview. The agents allowed me to call my attorney and permitted her to stay on speakerphone while they questioned me for approximately three hours.

19. The agents asked me, among other things, why I was wearing traditional Saudi clothing, whether I socialized with Saudis while studying in the country, how I felt as an American in Saudi Arabia, whether I had heard of a Bangladeshi student at the Islamic University of Al-Madinah Al-Munawwarah who had been arrested on terrorism charges, whether I knew any Iraqi or Afghani students at the school, whether I had brought money with me to Saudi Arabia, and about the amount of my university stipend and the amount of money I had in my bank account at the time. I answered their questions to the best of my ability. I told them that I had not heard of the Bangladeshi student they mentioned. The agents asked me if I had ever provided financial support to Hezbollah, Hamas, or other such organizations. I responded that I had never made any such contributions and understood that doing so was against the law.

20. The agents told me that I was not banned from entering the United States, but would not be permitted to fly. One agent suggested that I fly to Canada and drive across the border to the United States. I asked whether I would be barred at the border. The agents stated that they could not guarantee that I would not be barred.

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

22. To this day, I cannot return home to the United States. I have been denied the ability to board a commercial flight from Saudi Arabia to the United States. I have also been told by FBI agents that I am not permitted to travel on any commercial flight to the United States.

23. I am unable to return home to Connecticut or to visit my family in the United States during my school vacations and have missed the ability to attend the weddings of two close friends because Defendants have barred me from boarding commercial flights to or from the United States or over U.S. airspace. My summer 2010 vacation from school will end in September 2010 and I still cannot fly home.

24. I am seeking a means to travel to the United States that does not require travel by commercial airline to the United States or over U.S. airspace. I cannot find an option that is affordable and will permit me to return to Medina in time to begin the Fall 2010 semester at my school. Although I have searched online for ships and cruises making the transatlantic passage from the United Kingdom to New York, I cannot afford the cost of purchasing tickets to travel by plane from Saudi Arabia to the United Kingdom and to travel by boat from the United Kingdom to New York. I also cannot afford to attempt to travel to the United States by flying, or otherwise traveling, to a third country and risking detention or being turned back to Saudi Arabia.

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 12, 2010



Faisal Kashem