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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN ACADEMY OF RELIGION, :
AMERICAN ASSOCIATION OF UNIVERSITY :
PROFESSORS, PEN AMERICAN CENTER, :
and TARIQ RAMADAN, :
: :
Plaintiffs, :
: 06 Civ. 588 (PAC)
- v.- :
: :
MICHAEL CHERTOFF, in his official capacity :
as Secretary of the Department of Homeland :
Security; CONDOLEEZZA RICE, in her official :
capacity as Secretary of State, :
: :
Defendants. :
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DECLARATION OF ANDREW C. KOTVAL

1. I am a Visa Specialist in the Visa Office, Coordination Division, of the United States Department of State's Bureau of Consular Affairs. My responsibilities include writing and reviewing Security Advisory Opinions. I have been employed by the Department of State since January 1999, and have held my current position since August 2004.

2. The information contained in this declaration is based on firsthand knowledge or information obtained in my official capacity.

3. Although the Department of State does not maintain statistical data of this nature, the Department exercised due diligence in conducting a search of Department

records in order to ascertain the requested information to resolve this lawsuit. We have determined that only one alien, a Lebanese national, has been found ineligible for a visa on the basis of any version of the "endorse or spouse provision" at issue in the above-referenced lawsuit. Although that individual was found ineligible for a visa on three separate occasions, in each case a visa ultimately was issued to the individual on the basis of a waiver issued by the Department of Homeland Security. The relevant visas were issued on March 19, 2005, October 11, 2005, and October 4, 2006.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2007, Washington, D.C.


Andrew C. Kotval