

EXHIBIT

A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADHAM AMIN HASSOUN,

Petitioner,

v.

Case # 1:19-cv-00370-EAW

JEFFREY SEARLS, in his official capacity
as Acting Assistant Field Office Director and
Administrator, Buffalo Federal Detention
Center,

Respondent.

DECLARATION

Pursuant to 28 U.S.C. § 1746, I, ANTHONY D. BIANCO, hereby declare and state as follows:

1. I am a Senior Counsel for National Security in the District Court Section, Office of Immigration Litigation, Civil Division, U.S. Department of Justice, and counsel for the Respondent in the above-captioned action. As such, I am familiar with the facts, background, and circumstance of this action.

2. On March 13, 2020, attorneys and staff for my office, the U.S. Department of Justice, Civil Division, Office of Immigration Litigation, District Court Section (“DCS”), received a copy of the March 12, 2020 Memorandum for the Heads of Departments and Agencies from the Executive Office of the President, Office of Management and Budget (“OMB”), (available at <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-13.pdf>) providing guidance on telework. The guidance encouraged telework for eligible employees who

the Centers for Disease Control has identified “as being at higher risk for serious complications from COVID-19.”

3. On March 14, 2020, attorneys and staff for my office, DCS, received a copy of the March 14, 2020 Memorandum for the Heads of Departments and Agencies from OMB (available at <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-14-travel-guidance-OMB-1.pdf>) which provided additional guidance to executive branch employees regarding work related travel. The guidance provided that “[o]nly mission-critical travel is recommended at this time.”

4. As a result of the travel guidance, my prior-approved government travel authorizations for travel to two distinct locations to interview in person two potential witnesses in this case were rescinded.

5. On March 15, 2020, the Deputy Attorney General directed components, including DCS, to move to a posture of maximum telework in the National Capital Region effective March 16, 2020. This directive applies to myself and includes Respondent’s counsel based in Washington, DC: Steven Platt and Timothy Belsan.

6. On March 24, 2020, the DCS Director denied a request for the Department of Justice to authorize and arrange the international travel of a potential witness from Egypt to appear at the evidentiary hearing in this case due to the travel restrictions implemented in response to COVID-19.

7. In response to the Department of Justice’s inability to approve of the witness travel from Egypt, my office worked with the Department’s Office of Foreign Litigation (“OFL”) to arrange for the assistance of local counsel in Egypt to assist with video conferencing.

OFL informed my office that the foreign counsel contacted stated that their offices were closed for the foreseeable future.

8. On March 25, 2020, the U.S. Department of Justice, Civil Division, issued further guidance that the Department of Justice has directed employees to maximize telework and that non-critical employees should not come into the office unless specifically directed to by a supervisor or manager.

9. While Respondent has not finalized his witness list for the evidentiary hearing, I anticipate that Respondent will call between ten and fifteen witnesses in his case in chief.

10. At least one other potential witness would be travelling from New York City.

Dated: March 31, 2020

Respectfully submitted,

/s/ Anthony D. Bianco

ANTHONY D. BIANCO

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