

# **Exhibit C**

**U.S. Department of Homeland  
Security**  
DHS Traveler Redress Inquiry  
Program (DHS TRIP)  
601 South 12<sup>th</sup> Street, TSA-901  
Arlington, VA 22202-4220



**Homeland  
Security**

January 21, 2015

Mr. Hugh Handeyside  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004

RE: Faisal Nabin Kashem  
Redress Control Number: 2103133

Dear Mr. Handeyside:

The Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP) received your response of December 15, 2014, providing the reasons supporting your client's belief that his placement on the No Fly List was in error. DHS TRIP provided your submission to the Transportation Security Administration (TSA) for review. Attached, please find a TSA determination regarding your client's redress inquiry.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Moore".

Deborah Moore  
Director, DHS Traveler Redress Inquiry Program

*Office of the Administrator*

U.S. Department of Homeland Security  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598-6001



**Transportation  
Security  
Administration**

### **DECISION AND ORDER**

On December 15, 2014, Faisal Kashem, through his counsel, submitted a response to the Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP) providing reasons why he believed his placement on the No Fly List was in error and requesting his removal from that List. For the reasons set forth below, I determine that Mr. Kashem should remain on the No Fly List.

On August 25, 2010, Mr. Kashem submitted a redress inquiry to DHS TRIP describing his travel difficulties. On November 4, 2010, DHS TRIP informed Mr. Kashem it had conducted a review of his records and determined that no changes were warranted at that time. On November 24, 2014, DHS TRIP informed Mr. Kashem that it was reevaluating his redress inquiry. DHS TRIP further informed Mr. Kashem that he was on the No Fly List because he had been identified as an individual who “may be a threat to civil aviation or national security.” 49 U.S.C. § 114(h)(3)(A). In particular, it had been determined that Mr. Kashem represented a threat of engaging in or conducting a violent act of terrorism and is operationally capable of doing so.

In addition, DHS TRIP provided Mr. Kashem with a summary of the unclassified facts available for release that supported his placement on the No Fly List and encouraged him to respond with relevant information if he believed the determination was in error or if he felt the

information provided to him was inaccurate. DHS TRIP withheld certain information because additional disclosure would risk harm to national security and jeopardize law enforcement activities. On December 15, 2014, Mr. Kashem, through his counsel, responded that he believed his placement on the No Fly List was not warranted and provided representations he believed to be relevant to DHS TRIP's determination. Mr. Kashem did not submit any evidence in support of any of these representations.

Upon review of all of the information Mr. Kashem has submitted to DHS TRIP, as well as other information available related to Mr. Kashem's placement on the No Fly List, I find that Mr. Kashem may be a threat to civil aviation or national security; in particular, I find that he represents a threat of engaging in or conducting a violent act of terrorism and is operationally capable of doing so. I therefore conclude that Mr. Kashem is properly placed on the No Fly List and no change in status is warranted.

Consistent with the protection of national security and law enforcement activities, I can provide the following explanation of my decision:

1. I have considered Mr. Kashem's contention that he "does not pose, and has never posed, a threat of engaging in a violent act of terrorism." I have concluded, however, that the information available, including Mr. Kashem's statements to the FBI, supports Mr. Kashem's placement on the No Fly List.
2. I have also considered: (i) Mr. Kashem's contention that [REDACTED] and (ii) [REDACTED] Mr. Kashem's contentions [REDACTED] I conclude, however, that the information available supports Mr. Kashem's placement on the No Fly List.

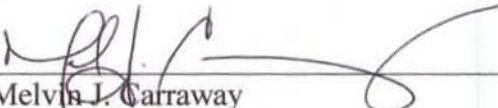
These conclusions do not constitute the entire basis of my decision, but I am unable to provide additional information. Without specifying all possible grounds for withholding information in this case, information has been withheld for the following particular reasons:

- additional disclosure would risk harm to national security; and
- additional disclosure would jeopardize law enforcement activities.

No Fly List determinations, including this one, are not based solely on the exercise of Constitutionally protected activities, such as the exercise of protected First Amendment activity.

This determination constitutes a final order and is reviewable in a United States Court of Appeals pursuant to 49 U.S.C. § 46110 or as otherwise appropriate by law. A petition for review must be filed within 60 days of issuance of this order.

1-21-2015  
DATED

  
Melvin J. Carraway  
Acting Administrator  
Transportation Security Administration