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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
SALEH A. OMAR IN SUPPORT
OF PLAINTIFFS' MOTION FOR
A PRELIMINARY INJUNCTION**

I, Saleh A. Omar, 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 Abdul Hakeim Thabet Ahmed for a preliminary injunction in the above-captioned case.

2. I am a thirty-five-year-old citizen of Yemen and I have been a lawful permanent resident of the United States since March 19, 1996. My father, three brothers, and uncle are all U.S. citizens.

3. I have lived and worked in Detroit, Michigan for fourteen years. Since becoming a lawful permanent resident of the United States, I have continuously resided in the United States with no extended absences. I meet the statutory definitions for a finding of "good moral character" and I am eligible to apply for naturalization as a U.S. citizen.

4. I work in a mechanic shop to support my wife and three children, all of whom live in Yemen.

5. On December 7, 2009, I traveled to Yemen to visit my wife and children for a little over three months. I planned to return to my home and job in Detroit by flying from Sana'a to Detroit on March 8, 2010, with changes of planes in Jeddah and New York.

6. On March 8, 2010, I traveled on Saudi Arabian Airlines from Sana'a to King Abdulaziz International Airport near Jeddah without incident. At the airport, I presented my passport in order to board Saudi Arabian Airlines Flight 25 to John F. Kennedy International Airport in New York, which was scheduled to depart the following morning at 2:45 A.M.. A Saudi immigration official stopped me and told me that I could not go to New York because my name was in their computer. I asked why this was the case, but he did not respond. The official returned my passport. My ticket to New York was canceled.

7. 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 Saudi Arabian Airlines check-in area heard the supervisor tell me that I could not fly to New York. I was embarrassed that everyone there thought I had done something wrong or posed a security threat.

8. I stayed in Jeddah for approximately thirty hours and took the first available flight back to Yemen on Saudi Arabian Airlines.

9. After arriving in Sana'a, I asked a Saudi Arabian Airlines agent why I was unable to fly to New York. He told me that my name was in their computer, and that I should go to the U.S. Embassy in Sana'a for more information. I went directly to the U.S. Embassy.

10. At the U.S. Embassy, I asked to speak with someone who could tell me why I was prevented from traveling to the United States on my Saudi Arabian Airlines flight. I was introduced to an official named Dennis Brady. Mr. Brady questioned me. During the questioning, another U.S. official entered the room and told me: "You can never go to America." I was confused and concerned, and asked why. Mr. Brady and the other U.S. official told me that my name is on the No Fly List, but did not provide any reason why. I explained that I had lost hundreds of dollars by not being able to use the ticket I had purchased to fly from Jeddah to New York. I asked the officials to show me the No Fly List. The U.S. official again told me: "You cannot go to the United States of America. Never."

11. Several days later, I called the U.S. Embassy in Sana'a to see if they had any more information about my situation. The embassy officials with whom I spoke provided no information.

12. Over the course of the next few weeks, I went to the U.S. Embassy in Sana'a two more times to find out why I was denied boarding on my U.S.-bound flight at King Abdulaziz International Airport and for information about why my name was on the No Fly List. On at least one of these occasions, I met with, and was questioned by, Legal Attaché Vincent Lisi. I asked Mr. Lisi for help in returning home to Detroit so that I could get back to my job. I also asked when I would be permitted to travel to the United States. Mr. Lisi told me that he could not help me and that I would not be permitted to travel to the United States. I asked him why. He did not reply.

13. On June 16, 2010, I submitted an 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 March 9, 2010 flight on Saudi Arabian Airlines. I was assigned Redress Control Number 2102388.

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

15. 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 been told by U.S. officials that I will not be permitted to travel on any commercial flight to the United States or over U.S. airspace.

16. I am unable to return to Detroit and to resume my work in a mechanic shop 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. I have had to borrow money in order to support my wife and children because I am the sole provider for our family. I have amassed more than \$13,000 of debt.

17. I know of no way to travel from Yemen to the United States by boat. I have researched whether I can return to the United States by flying to Mexico and crossing into the United States over land. I cannot afford the cost of such a trip. I have also learned that this trip is risky. I have heard that at least one other person who, like me, is apparently on the No Fly List flew to Mexico and was turned back by Mexican authorities when he tried to travel to the U.S.-Mexico border and to cross the border over land. I 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 Yemen.

18. I fear that based on my absence from the United States in excess of 180 days since my departure from the United States on December 7, 2009, the government may seek to rescind my lawful permanent resident status, despite the fact that my absence from the United States past March 9, 2010 has been entirely involuntary and the result of the actions of the Defendants in this case.

19. I also fear that my involuntary absence from the United States past March 9, 2010 may jeopardize my right to naturalize as a U.S. citizen.

20. I am sad and frustrated. I want to be given a reason for why I have been prevented from flying to my home in the United States.

21. I feel humiliated that my family, friends, and others in Yemen know that I am stuck in Yemen because I am not allowed to fly to the United States. I am

embarrassed that people around me think I have done something wrong or pose a security threat.

22. 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 16, 2010

s/ Saleh Omar¹
Saleh Omar

¹ Plaintiffs' counsel have been unable thus far to obtain an original signature from Mr. Omar. Defendants' counsel have consented to the filing of this declaration in this form. Plaintiffs' counsel will submit a declaration from Mr. Omar with his original signature as soon as practicable.