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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
SAMIR MOHAMED AHMED
MOHAMED IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION**

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

2. I moved to the United States from Yemen as a child and became a naturalized U.S. citizen in 1999. I am twenty-three years old.

3. I live in Lindsay, California, where I work in a clothing store and reside in housing that is provided by my employer.

4. My parents are U.S. citizens and live in Buffalo, New York. I have eleven siblings, all of whom are U.S. citizens and live in the United States.

5. Since I moved to the United States as a child, I have traveled to Yemen three times to visit family. I most recently traveled from Lindsay to Yemen in September 2009 to visit my wife and two children, who live in Almasser, a city in southern Yemen.

6. In April 2010, after spending several months with my wife and children, I booked a ticket to return to the United States on Saudi Arabian Airlines. My ticket was for travel from Sana'a to New York, with a change of planes at King Abdulaziz International Airport near Jeddah, Saudi Arabia. I sought to visit my parents and other relatives in New York for two weeks before flying home to California.

7. On May 3, 2010, I flew on Saudi Arabian Airlines to King Abdulaziz International Airport without incident. At the airport, I went to board Saudi Arabian Airlines Flight 25 to John F. Kennedy International Airport. I proceeded through immigration with other passengers seeking to transfer to international flights. After I presented my passport to Saudi immigration officials, the officials took my passport and escorted me through the airport and downstairs to a room. I was very embarrassed. I felt that airline and airport employees and other passengers thought I had done something wrong or posed a security threat because Saudi officials would not let me secure a boarding pass and were taking me somewhere in the airport.

8. A Saudi immigration official told me that the Saudi authorities had received a message from U.S. authorities indicating that I was “not allowed on United States land.” The official told me that I would not be permitted to fly to the United States and that the Saudi government would send me back to Yemen by plane in two days, unless I purchased a ticket to return on an earlier flight. I was confused and did not know why I would not be permitted to fly to the United States.

9. The Saudi immigration officials made it clear to me that I would not be permitted to fly as planned on Saudi Arabian Airlines Flight 25 from King Abdulaziz International Airport to New York. I could not stay in Saudi Arabia because I did not have a visa to remain in that country. I purchased a ticket to fly from King Abdulaziz International Airport to Sana’a on May 4, the following day.

10. After I missed my flight to Sana’a on May 4, 2010, I called the emergency number for the U.S. Embassy in Jeddah and spoke to a consular official. I explained to the official that I was a U.S. citizen without a visa to stay in Saudi Arabia and that I had been stuck in Jeddah for twenty-three hours because I was denied boarding on a Saudi Arabian Airlines Flight from King Abdulaziz International Airport to New York the previous day. The consular official told me that the U.S. Embassy did not know why I was not permitted to fly and asked me if I knew why I had been denied boarding. I replied that I had no idea why I was denied boarding the previous day. I asked the official if I was on a government watch list that prevented me from flying. The official responded that he did not know. He said that because I did not have a valid visa to stay in Saudi Arabia, he was unable to push Saudi authorities to permit me to fly to the United States.

11. I called the U.S. Embassy several more times on May 4 and spoke to the same consular official. The official advised me to return to Yemen on the next available flight, which was scheduled to leave the following day.

12. On Wednesday, May 5, 2010, I flew to Sana'a without incident using the ticket for the May 4 flight that I had missed. After my arrival, I immediately went to the U.S. Embassy in Sana'a, where I spoke to an official. The official made several phone calls to inquire on my behalf and told me to return the following Saturday.

13. On Saturday, May 8, 2010, I returned to the U.S. Embassy in Sana'a. Two government officials, one of whom introduced herself as "Michelle," questioned me. Upon information and belief, the two government officials were FBI agents. The FBI agents told me that they would call me in one week to let me know the outcome of the interview.

14. I never heard from the FBI agents. Over the course of the next few weeks, I went to the U.S. Embassy in Sana'a several times to ask if I would be permitted to fly.

15. Approximately four weeks after I was interviewed by FBI agents on May 8, 2010, I called the U.S. Embassy. I spoke with one of the FBI agents who had interviewed me. The agent told me that he would call me back in one hour. When he did so, he told me that I would not be permitted to fly on commercial airlines unless I provided the reason why I was placed on the government's No Fly List. I stated that I knew of no reason why I would be placed on the list and asked the agent why my name appeared on the list. The agent stated that he could not tell me anything. I asked the agent what I should do to get home to the United States. The agent stated that he could

not do anything else for me and could not advise me. He suggested that I go to the U.S. Embassy and speak with a counselor.

16. On or around June 8, 2010, I went to the U.S. Embassy in Sana'a. A U.S. Embassy employee told me that I was on a U.S. watch list and that I would not be permitted to board any commercial flights to the United States or over U.S. airspace.

17. On June 8, 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 Saudi Arabian Airlines Flight 25 on May 3, 2010. I was assigned Redress Control Number 2101514.

18. On or around June 17, 2010, I called one of the FBI agents who had questioned me to ask whether there were any developments regarding my ability to fly. The agent told me that I was still on the No Fly List and that he did not know how long I would remain on the list. The agent stated that I could travel to the United States from Yemen by boat. He advised me to call him every week for any new information about my placement on the No Fly List.

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

20. To this day, I cannot return home to the United States. I have been denied the ability to travel by commercial airline from abroad 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.

21. I have searched for ways to travel to the United States from Yemen without flying on a commercial airline to the United States or over U.S. airspace. I have

been unable to find an alternative method of travel that is timely or affordable. The earliest that I can depart for the United States by boat is to take a ship from the United Kingdom in October 2010. I cannot afford the cost of purchasing a ticket for travel on this boat and of flying, or otherwise traveling, to the United Kingdom from Sana'a. Such a journey would also require me to transit through other countries, including the United Kingdom, in order to get home to the United States. I cannot afford to attempt to fly, or otherwise travel, to a third country and to risk detention or being turned back to Yemen again.

22. I am unable to return to my job in a clothing store in California because the Defendants have barred me from boarding commercial flights to or from the United States or over U.S. airspace. As a result, I currently have no income and have been forced to borrow money from others in order to support my family, which has grown with the birth of my third child this month. Because I was prevented from returning to my job in the United States, I could not afford to take my wife to the hospital to ensure that she had proper medical care for the birth of our child.

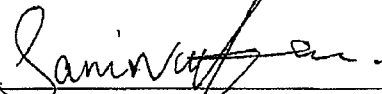
23. I am at risk of losing my employer-provided housing in California because I am unable to return to my job in the United States due to my apparent placement on the No Fly List on or before May 3, 2010.

24. I have not been able to visit my parents in New York or any other family members residing in the United States since my apparent placement on the No Fly List on or before May 3, 2010.

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



Samir Mohamed Ahmed Mohamed