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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
ABDULLATIF MUTHANNA IN
SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION**

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

2. I am a twenty-seven-year-old, naturalized U.S. citizen and resident of Rochester, New York. I was born in Yemen and moved to the United States in 1996 to join my mother and stepfather.

3. I work for a clothing store in Rochester to support my wife and four children, who live in southern Yemen several hours outside the city of Aden. I travel to southern Yemen every few years to spend time with my family.

4. I remain in the United States apart from my family in order to earn an income and to receive medical care for the serious medical conditions with which I have been diagnosed. I suffer from, and receive treatment for, digestive diseases and mental health conditions. My doctors, including my primary care physician, internist, and gastroenterologist, are all located in New York.

5. On June 18, 2009, I traveled from Rochester to southern Yemen without incident in order to visit my wife and children. I planned to return to the United States by traveling on Saudi Arabian Airlines from Aden to New York with a change of planes in King Abdulaziz International Airport near Jeddah, Saudi Arabia.

6. On May 31, 2010 I traveled from Aden to King Abdulaziz International Airport without incident. I had a three-day transit visa to stay in Jeddah until I could board my flight for New York on June 3, 2010.

7. On June 3, 2010, I went to King Abdulaziz International Airport to check in for Saudi Arabian Airlines Flight 21 to New York. I presented my ticket receipt and identification to an airline employee at the check-in counter. The employee made

a telephone call. Afterwards, he showed me his computer screen. The screen displayed my name and flight number and indicated that there was no seat for me on the Saudi Arabian Airlines flight to New York. I was confused and asked for an explanation. I did not know why I was not permitted to board my flight as planned. The airline employee told me: "You are not allowed to fly to New York. You cannot fly."

8. The employee called officials from Saudi Arabian Immigration, who arrived at the check-in counter. An immigration official told me that I could not board my flight to New York and that I had to return to Yemen.

9. I felt embarrassed to be singled out this way and humiliated that airline staff and other passengers in the Saudi Arabian Airlines check-in area had heard the airline employee and immigration official tell me that I was not allowed to fly to New York. I was embarrassed that everyone there thought I had done something wrong or posed a security threat.

10. The Saudi immigration official explained that because there was no flight scheduled to depart from King Abdulaziz International Airport for Yemen that day, I would have to stay in Jeddah and return the next morning.

11. I returned to King Abdulaziz International Airport on the morning of June 4, 2010. I purchased a new ticket to fly to Sana'a on Yemenia Airways and went to the North Terminal of the airport to board the flight.

12. A Saudi immigration official asked me for my passport and saw that my three-day transit visa for Saudi Arabia had expired on June 3 and that my U.S. passport lacked a visa for Yemen. The official told me that I would not be permitted to go through immigration to board my flight to Yemen. I explained that I had overstayed my transit

visa for Saudi Arabia by only one day because I was unexpectedly prevented from boarding my Saudi Arabian Airlines flight from King Abdulaziz International Airport to New York on June 3. I also explained that I did not have a visa for Yemen because I was on my way home to New York.

13. I returned to the South Terminal of the airport to attempt to board a Saudi Arabian Airlines flight bound for Yemen. Once again, a Saudi immigration official would not let me pass through immigration to board my flight to Yemen because my three-day transit visa had expired and my passport lacked a valid visa for Yemen.

14. The immigration official told me that I was not validly in Saudi Arabia and that I could be arrested and detained on that ground. He said that I should return to the United States. I explained that I was trying to do precisely that, but that I had been denied boarding on my flight home to New York the day before. I told him that I was a U.S. citizen and that I needed to call the U.S. embassy in Jeddah.

15. A supervisor arrived at Immigration. I again explained my situation. The supervisor made a copy of my passport and issued a letter granting me “special permission” to have overstayed my transit visa. He told me to speak with someone at the U.S. Embassy in Sana’a. By this time, the Saudi Arabia Airlines flight to Yemen had already departed. The supervisor told me that there was a Yemenia Airlines flight leaving for Sana’a that day. I spent another 200 riyals to purchase a ticket for this later flight.

16. I finally flew on Yemenia Airlines to Sana’a. I could not go directly to the U.S. Embassy after my flight arrived, however, because the embassy was closed that day for the weekend.

17. The next morning, I went to the U.S. Embassy. I was instructed to speak with the Legal Attaché.

18. The Legal Attaché introduced himself as Vincent Lisi. Mr. Lisi questioned me for about half an hour. I asked him if I was placed on a U.S. government list. Mr. Lisi stated that I was not on a “black list,” but that I was on a government list reserved for people who were not permitted to fly. Mr. Lisi also told me that this list was reserved for people about whom the government needed information and that I would not be permitted to fly on commercial airplanes bound for the United States or over U.S. airspace. I asked if I could fly to Mexico or Canada and cross over land into the United States. Mr. Lisi said that this would not be possible. He advised me to return to the United States by ship. Mr. Lisi told me that he would contact me in one week to let me know whether I could fly home.

19. I called Mr. Lisi two days later to see if there was any information about my situation. Mr. Lisi instructed me to call back one week later.

20. One week later, I went to the U.S. Embassy in Sana’a. Mr. Lisi questioned me further about my time in Yemen. He again instructed me to call him back in one week for more information about my case.

21. One week later, I called Mr. Lisi. Again, Mr. Lisi questioned me. At the end of the conversation, Mr. Lisi again instructed me to call him back in one week.

22. On June 18, 2010, I submitted a Department of Homeland Security Traveler Redress Inquiry Program (DHS TRIP) form describing the circumstances in which I was denied boarding on Saudi Arabian Airlines Flight 21 to New York on June 3, 2010. I was assigned Redress Control Number 2102791.

23. I do not present any security threat to commercial aviation and know of no reason why I would be placed on the No Fly List.

24. To this day, I cannot return home to the United States. I have been denied the ability to travel by commercial airline from Saudi Arabia to the United States. I have been told by a U.S. official that I will not be permitted to travel on any commercial flight to the United States or over U.S. airspace.

25. I have searched for a way to travel from Yemen to the United States by boat. I have found no way to do so. I have looked into traveling to the United States by flying to Mexico or Canada. I am very concerned that such a 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.

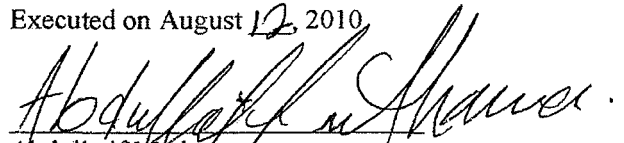
26. I am unable to return to my job in a clothing store in the United States because Defendants have barred me from boarding commercial flights to and from the United States and over U.S. airspace. As a result, I am experiencing extreme financial hardship. I cannot find work in Yemen and currently have no income. I am borrowing money from friends in order to support myself, my wife, and our children because I am the sole provider for our family.

27. I am unable to seek the medical attention I need in the United States because Defendants have barred me from boarding commercial flights to and from the United States and over U.S. airspace. I suffer from serious mental health and digestive

conditions that require treatment by my general physician and specialists, all of whom are located in New York. I have medical insurance in the United States and receive treatments and prescription medications that help manage the conditions from which I suffer. My doctors in New York regularly provide check-up visits and adjust my medication as needed. I am unable to receive such health care services, treatment, or medications in Yemen. I have not been able to find medications that are the same as, or comparable to, those prescribed to me in the United States. Certain medications that doctors in Yemen have prescribed for me have been incorrect, ineffective, or expired. Taking these medications has had a negative impact on my health. Moreover, the medications that doctors in Yemen have prescribed to treat my mental health conditions have had side effects that have been worse than the conditions from which I suffer.

28. 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


Abdullatif Muthanna