

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HAMEED KHALID DARWEESH and
HAIDER SAMEER ABDULKHALEQ
ALSHAWI,

on behalf of themselves and others similarly
situated,

Petitioners,

v.

DONALD TRUMP, President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY ("DHS"); U.S.
CUSTOMS AND BORDER PROTECTION
("CBP"); JOHN KELLY, Secretary of
DHS; KEVIN K. MCALEENAN, Acting
Commissioner of CBP; and JAMES T.
MADDEN, New York Field Director, CBP.

No. 1:17-cv-00480

Respondents.

DECLARATION OF MANAR

I, Manar, declare, pursuant to 28 U.S.C. § 1746 and subject to penalty of perjury, that the following is true and correct:

1. My name is Manar. I was born on November 3, 1994. I am a citizen of Yemen and was born in Saudi Arabia. I am not a citizen of any other country. I live in Jeddah, Saudi Arabia, and all my family lives in Saudi Arabia. I am twenty-two years old.
2. I am providing this declaration with only my first name to honor my family's wish not to have my full name or my photograph revealed publicly. My family fears reprisals if it becomes publicly known that I am involved in this case.
3. I am currently a student in Saudi Arabia, studying the law.
4. I was born and live in Jeddah, Saudi Arabia. I am a legal resident of Saudi Arabia.
5. On Saturday, January 28, 2017, at approximately 3:35 AM (GST), my Etihad Airlines flight (No. EY103) departed from Abu Dhabi International Airport to John F. Kennedy

International Airport ("JFK Airport") in New York City. I received preclearance in Abu Dhabi to make it easier to pass through customs when I arrived at JFK Airport.

6. I was traveling to the United States because I was chosen as a delegate to the 2017 Winter Youth Assembly at the United Nations, which was scheduled for February 1-3, 2017. I was only traveling to the United States for a few days.
7. I traveled with my Yemeni passport and my one-year B-1/B-2 visitor visa. My visa was issued on August 2, 2016, and is valid for multiple entries until July 20, 2017. A true and correct copy of my visa is attached to this declaration as Exhibit A.
8. My flight arrived at JFK Airport at approximately 9:00 AM (EST) on January 28, 2017. After I landed, three law enforcement officers told the other passengers and me to hold up our passports. I showed the law enforcement officers my passport. They then told me to move aside. After that, I stood and waited for the whole line of de-boarding passengers to be processed in this way. Aside from me, an older woman from Sudan, an elderly man from Iran, and a young man from Iran were all detained from my flight.
9. The officers then told me and the three other detained travelers that we had to follow them. The officers had my passport and held it the entire time I was detained. I did not get my passport back until I landed in Saudi Arabia after being deported. I went with the officers to a room full of other officers and at least ten other travelers. Even though the Sudanese woman from my flight had a green card, she was detained with us as well. They detained her for almost four hours and then let her out of the airport.
10. The officers left one of the Iranian men and me in the room for about five hours. In the room, the officers would not give us any information about what was happening to us, and did not provide us with any food. Before we entered the room, the officers took my carry-on bag, which had all my important belongings in it. We were not allowed to use our mobile phones or move anywhere. I had to ask the officers for permission to use a bathroom. I wanted to pray but I was scared to do so. I felt like I was being treated like a criminal.
11. I tried to explain to the officers that I had come to the United States as a youth delegate to the United Nations, that I would only be here for a few days, that I had paid for everything I needed for this trip, and that I was not a refugee. They refused to help me in any way. This was my first time ever traveling alone, and I experienced this all alone. I could not do anything and I was crying. I felt very scared about what was going to happen to me.

12. I asked many times for a lawyer. I explained I was a law student and I knew I had the right to speak with a lawyer, but the officers said, "No, you're not a citizen, you don't have the right to do so."
13. I also asked many times if I could call my father to explain my situation. I was only allowed to call my father and my friend. I had to call my friend because she was waiting for me to arrive so she could pick me up. We were not allowed to use our phones, so I had to give the officers the numbers and they called from their office telephone. Before being deported, I asked to call my father again to tell him I was being deported and that the officers were taking me now. The officers refused, saying that I already had two phone calls, but they eventually allowed me to call because I insisted and because I was crying.
14. After at least three hours of being held in this room without food or anywhere to rest, one of the officers took pictures of me and made me sign something on an electronic device. I did not understand what I was signing. I asked for an explanation, but they said I had no choice but to sign on the device, and they refused to explain anything. They then took my fingerprints and photographed me. I was crying as they took my photograph and asked why they were treating me like a criminal. I asked why they were taking pictures of me and they said it was "normal procedure" that they had to follow. They told me if I provided my fingerprints and photograph, I would not have problems applying for a new visa because the government could use my fingerprints and photograph to confirm I had no criminal history.
15. I felt very uncomfortable with the officers taking my picture and I was confused about what was happening, but they told me I had to do everything they said if I wanted to be able to apply for another visa after 90 days. I tried to talk to the officer who had my passport and asked him to make an exception for me because I had paid for everything on my trip and I could not come back to the United States. He asked me why I could not go back, and I explained that it was hard for me to come to the United States. The officer laughed. He said that after 90 days, if the rules had changed, I could come back. The officer treated my situation as if it were not a big deal. The officers treated me terribly. It was very hurtful to me. Eventually, they told me I was being sent back to Saudi Arabia.
16. The elderly man from Iran and I were then deported. I still was not given my passport or any information about what was happening, where I was going, or what flight I was on. The flight left from JFK Airport at approximately 2 or 2:30 PM (EST) on January 28, 2017. Because I had already been on a 14-hour flight and then detained for several hours without any food or anywhere to rest, my back was really hurting. The whole travel experience was almost two days long.

17. Before I was deported, the officials took my passport, and did not return it to me until I landed in Saudi Arabia. When they gave it back to me, there was a stamp on my visa saying it was canceled and that the visa application was withdrawn.

18. I remain in Saudi Arabia now. I traveled to the United States for a purpose—to attend the U.N. Assembly as a youth delegate—and if I had known about the ban on travelers from Yemen, I would not have come. I only learned about the Executive Order banning Yemeni travelers after I returned to Saudi Arabia and spoke with lawyers in the United States who told me the electronic document I was forced to sign was a withdrawal of my application for admission to the United States. I am still very upset about what happened to me.

Executed this 6th day of February, 2017, at Jeddah, Saudi Arabia.



Manar

EXHIBIT A

