

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

HAMEED KHALID DARWEESH and  
HAIDER SAMEER ABDULKHALEQ  
ALSHAWI,

Case No. 1:17-cv-00480

on behalf of themselves and others similarly  
situated,

Date: January 30, 2017

*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.

*Respondents.*

**DECLARATION OF HIND MOHAMED HASSAN AHMED ELBASHIR**

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

**INTRODUCTION**

1. My name is Hind Mohamed Hassan Ahmed Elbashir. I am a citizen of Sudan. I am a holder of a valid B2 visa, which I was issued on January 11, 2017. I am attaching a photo of my visa to this Declaration as Exhibit A.
2. On the morning of January 28, 2017, I applied for admission to the United States at the Orlando International Airport (“MCO”) in Orlando, Florida. I applied for admission at MCO as a nonimmigrant on the basis of my valid B2 visa, with which I am permitted to travel abroad. As explained in more detail below, I was denied entry and instead was sent back to Sudan.
3. I was born on May 20, 1985 in the United Arab Emirates (UAE). In 2002, I moved from the UAE to Sudan. I currently work for the Sudatel Telecommunications Group in Sudan, which

involves frequent travel to Mauritania. I live in Khartoum, the capital of Sudan, with my parents, my brother, and my sister.

4. Two years ago, my sister moved to U.S. She now lives with her husband and three children in West Palm Beach, Florida. One of her children has severe autism. Her third child was born on February 1, 2017.
5. The purpose of my visit to the U.S. was to stay with my sister for a month to help care for her children, particularly her special needs child. I also wanted to be with my sister in the hospital when she gave birth to her newborn. I planned to take shifts with my sister's husband to ensure that there was always someone with my sister in the hospital.
6. My sister and her husband have no support system in the U.S. My sister's husband cannot take paternity leave, and he works long hours and travels frequently. My sister needed support, and I was so excited to care for her and her children.
7. My sister's son with autism requires intensive care. He used to go to a school for students with special needs, but my sister was unhappy with the schooling he received there and decided to homeschool him. My plan was to assume responsibility for his care when I arrived in the U.S. while my sister attended to the newborn baby.
8. I had never been to the U.S. before this. I planned for a long time in advance to be able to come to the U.S. and to ensure I would come in time for the birth of my sister's baby. I made arrangements with the U.S. Embassy in Khartoum to obtain a B2 visa. I had to cancel a work trip to Mauritania so that I could stay in Khartoum for the month of January to go to the only available embassy appointment. I could have made more money if I had not cancelled the trip to Mauritania, but I was happy to make these sacrifices to see my sister and be part of this milestone in her life. I wanted to be there for her and support her.

9. At 8 PM on Friday, January 27, 2017, I embarked on a flight from Sudan with a final destination of Orlando, Florida and a layover in UAE. The flight number was EK 734. I am attaching a photo of my flight itinerary to this Declaration as Exhibit B.

**ARRIVAL AT ORLANDO AIRPORT (MCO)**

10. I arrived at MCO on the morning of Saturday, January 28, 2017.

11. Upon my arrival at MCO, I had my first passport check with everyone else from the flight.

Then, the U.S. Customs and Border Protection (“CBP”) took me and a group of other passengers from my flight to a waiting room to conduct a secondary check. The other passengers in the group included two Iranian companions, a Syrian family of four, a Sudanese family of three, and a Sudanese man going to the U.S. for a conference.

12. We were all taken to a waiting room, and the officers took away our passports. The officers also told us that we were not allowed to use our cellphones. I only had my carry-on bag with me, and not the rest of my luggage. I saw passengers from many different nationalities go in and out of the waiting room, but the other passengers from the group and I stayed in the room for six hours. During this time, nobody explained to us what was going on. Since I kept seeing people enter and leave the room, I was hopeful that if we waited patiently, we would eventually get permission to leave. The officers did not give us any information about how long we would be waiting or why we were not being processed as quickly as people from other nationalities.

13. While waiting, I had an extremely painful headache. I asked the officers for any kind of medicine to reduce the pain of my headache three times, but the officers refused to provide me with any medication.

14. In the group of passengers detained from my flight, we all spoke English except for an Iranian girl. Her companion was able to translate for her. There were no official translators in sight.

15. I did not know what was happening throughout those six hours. Since we were not allowed to use our cellphones, I could not call my family to tell them where I was.

16. Finally, after six hours of waiting, I was informed that my visa would be revoked and that I would not be allowed in the U.S. that day. I asked the officers if this was their final decision, regardless of my individual circumstances, and they said yes. They explained that I had two options: I could either leave voluntarily and depart on the next flight, or the officers would force me to leave. I asked what the implications of each option were, and the officer said that if I were forced to leave, I would be banned from the U.S. for five years. However, if I left voluntarily on the next flight, there would be no further consequences and I would be able to apply again and be granted access to enter the U.S.
17. I was not able to talk to a lawyer. I asked if I could talk to someone that could explain the law or tell me my rights. They told me they could not provide that kind of information.
18. When the officers told me my options, I was totally shocked and in disbelief. I asked if the officers had a written policy outlining these options and their legal implications, and the officers told me they would provide me with the written policy later. I never received anything in writing explaining the situation. They also told me that the immigration office would explain to my why my visa was being revoked, but nobody ever came to talk to me to explain why my visa was revoked. I asked if I could contact my family and tell them where I was, and they said no. They told me that if I provided the officer with a phone number, the officer would call the number to explain where I was. I gave them the number for my sister's husband, who was supposed to pick me up from the airport. Finally, I asked the officers for some time to absorb the shocking news.
19. After a couple of minutes, they came back and asked me what my decision was. I told them that between those two options, I would take the next flight out because they had told me I would be able to enter later, whereas if I chose the second option of leaving by force I would not be able to enter the U.S. for five years.
20. After I spoke to the officers, they wrote something on my visa, but I was unable to read what they were writing. They also took my fingerprints and asked me to sign a document with my

photograph and fingerprints. I asked them for a copy of the document I signed. The officers told me I would receive a copy when I received my passport back, but I never received a copy of the document.

21. I could not believe that the officers would not give me an individualized determination because of the special circumstances that my family was facing. I wanted someone to look at my case and hear from me. But the officers told me there was nothing that could be done.
22. I had all of my papers in order and a valid visa that I had worked so hard to get. I had changed my work plans and put my life on hold to come to the U.S. to support my sister. I felt overwhelmed and had no clue what I should do.
23. After speaking to the officers, I waited in the same room for another 4 hours before boarding the next flight. I spoke to the other passengers who were detained from my flight; they were also shocked and in disbelief that we were all being denied entry into the U.S.
24. In total, I was in that waiting room for around 10 hours, along with the other passengers from my flight. I was aware that 10 hours had passed because I had a watch and there was a clock in the room.

#### **RETURN FLIGHT TO SUDAN**

25. The other passengers who were detained from my flight and I were all given boarding passes on the same return flight. This was a Lufthansa flight that stopped in Frankfurt, Germany; Dubai, UAE; and Khartoum, Sudan. My flight number was LH 465. I am attaching a picture of my ticket as Exhibit C.
26. Officers walked us from the waiting room to the gate for our return flight.
27. As we were on our way to board the flight, the officers returned my cellphone. They instructed me to keep my phone turned off until I boarded the plane. I still did not have my passport.
28. After I boarded the flight, I waited on the plane for about an hour before it took off. We boarded the plane at around 8 PM, and the plane took off at 9:10 PM. I later confirmed that the flight

departed at 9:10 PM by checking an online flight tracker website. A true and correct screenshot of the website is attached as Exhibit D.

29. Although I had my phone on the flight, I did not have service to be able to contact anyone.

30. When the plane landed in Frankfurt, the Syrian family from my group told me that they learned that if we all had just waited in the airport and held on to our visas, we would have eventually been allowed to enter the U.S. I felt so bad when I learned that I could have been able to enter the U.S. to see my sister. The Syrian mother in the family was crying on and off from the time we were in the Orlando airport until we arrived in the UAE. As far as I know, her and her family later left to go to Saudi Arabia.

31. When we arrived in the UAE, an officer finally returned my passport. I saw for the first time that the officer in the U.S. had written on my passport: "REVOKED PER DOS."

32. Finally, I flew from the UAE to Khartoum, Sudan.

#### **FAMILY REACTIONS TO MY REMOVAL AND AFTERMATH**

33. For the entire day of January 28<sup>th</sup>, my sister and her husband had no idea where I was or what happened to me. Her husband had planned to pick me up at the airport and drive me to his house, but I was not able to communicate with him to let him know that I had arrived. Her husband could only guess about my whereabouts by watching the news.

34. My sister later told me she had felt extremely worried and stressed, and experienced a rapid heart rate and a severe headache.

35. I later learned that an officer at the airport called my brother-in-law at the number I gave the officers. After my flight had already departed, the officer told my brother-in-law that I was on my way to Sudan and that the officers could not let me in because of the Executive Order. They apologized to my brother-in-law, and said something about how their hands were tied.

36. I was not able to use my cellphone, due to a lack of Internet service, until I was in Frankfurt. As soon as I had Internet access on my phone, I wrote a message through the WhatsApp messaging

service to my family to explain what had happened. The message was sent to my parents, my siblings in Sudan, and my sister in the U.S. I was not able to make phone calls on my cellphone until I arrived in Sudan.

37. I later learned that, until my parents heard from me, they were extremely worried and did not sleep for two days. They are elderly (my father is 70 years old and my mother is 60 years old), and they have diabetes and high blood pressure. I believe the stress of the situation adversely affected their health.
38. When I arrived in Sudan, the first person I spoke to on the phone was my sister. I was crying, but I tried to hold myself together because I wanted to be strong for her.
39. My sister was devastated when she found out that I would not be able to enter the United States. Her water broke earlier than expected; she gave birth on February 1, 2017.
40. It was so painful to hear that my sister had given birth just days after I would have arrived in the U.S. It is difficult to think of my sister going through all of this alone, without me being able to be with her in person. I also feel worried about my sister and her family because they have no friends or family in the U.S. to help them.
41. My sister is now taking her son back to the school for special needs students, which she is unhappy about. However, my sister is not able to take care of her autistic son because she has to care for her newborn baby. My sister's husband has stopped going into work. He is trying to work from home, but his business does not have paternity leave.
42. Since arriving in Sudan, I have felt extremely depressed. From the time the officers told me that I had to return to Sudan or face a five-year ban, I felt disrespected and discriminated against. I am still shocked about what happened. I have not left my bed since I arrived home and I have been unable to leave the house. I do not want to return to work because I still have hope that I can be granted permission to go to the U.S. and be with my sister.

Pursuant to 28 U.S.C. § 1746, I hereby verify that the information contained herein is true and correct to the best of my information and belief. Executed this 3<sup>rd</sup> day of February 2017, at Khartoum, Sudan.

Hind M.

Hind Mohamed Hassan Ahmed Elbashir



# EXHIBIT A

VISA

UNITED STATES OF AMERICA



Issuing Post Name

KHARTOUM

Surname

ELBASHIR

Given Name

HIND MOHAMED HASSAN AHMED

Passport Number

P01555003

Entries

1

Annotation

Control Number

20163471160006

Visa Type /Class

R B1/B2

Birth Date

20MAY1985

Nationality

SUDA

Issue Date

11JAN2017

Expiration Date

09APR2017

1001

L7808576

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VNUSAELBASHIR<<HIND<MOHAMED<HASSAN<AHMED<<<<

P015550034SDN8505202F1704095B3KHT01YGF722216

# EXHIBIT B

Itinerary for Record Locator **R1EZRU**

Emirates Record Locator **PXN4KN**

**Reservation**

Airline	Flight #	Departing		Arriving		Class	Cabin	Meals
		Airport	Date & Time	Airport	Date & Time			
Emirates	734	Khartoum, SD	<a href="#">FRI 27JAN</a> 19:45	Dubai International, AE Terminal:3	<a href="#">SAT 28JAN</a> 00:55	U	Y	M
	MS HIND MOHAMED ELBASHIR (ADT)		FF# Not Set		No Seat Assigned			
Emirates	219	Dubai International, AE Terminal:3	<a href="#">SAT 28JAN</a> 02:50	Orlando International Apt, US	<a href="#">SAT 28JAN</a> 10:10	U	Y	M
	MS HIND MOHAMED ELBASHIR (ADT)		FF# Not Set		No Seat Assigned			
Emirates	220	Orlando International Apt, US	<a href="#">WED 01MAR</a> 13:30	Dubai International, AE Terminal:3	<a href="#">THU 02MAR</a> 12:20	U	Y	M
	MS HIND MOHAMED ELBASHIR (ADT)		FF# Not Set		No Seat Assigned			
Emirates	733	Dubai International, AE Terminal:3	<a href="#">THU 02MAR</a> 14:45	Khartoum, SD	<a href="#">THU 02MAR</a> 18:05	U	Y	M
	MS HIND MOHAMED ELBASHIR (ADT)		FF# Not Set		No Seat Assigned			

**Invoice Information**

MS HIND MOHAMED ELBASHIR (ADT)	Document Number	Issuance Date	Base	Taxes	Total	Currency
Electronic Ticket	1762136595397	11JAN17				
Endorsements: NON-END/FLEX						
Fare Calculation:ADT KRT EK X/DXB EK ORL M/IT ULEESSD2/GSA2 EK X/DXB EK KRT M/IT ULEESSD2/GSA2 END ROE1.00 XF MCO4.5						
Form of Payment: CASH				IT 138.76	IT	USD

Grand Total for all travelers	Amount	Currency
	0.00	USD

For information about and automatic calculation of baggage allowances and fees for this itinerary, in accordance with applicable carrier rules, please visit [www.iflybags.com](http://www.iflybags.com)



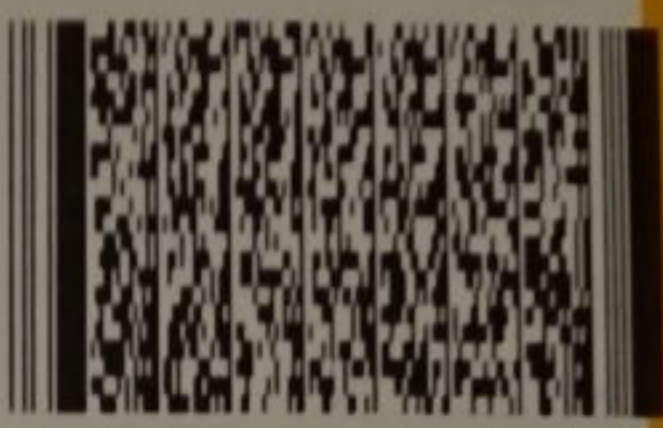
# EXHIBIT C



**Lufthansa**

A STAR ALLIANCE MEMBER

176230136179301 **ECONOMY CLASS 327**  
etix etkt etix etkt **Bordkarte/Boarding Pass**



**LUFTHANSA**

**ELBASHIR/HINDMOHAMED**

**MCO LH 0465 Y 28JAN**

**FRA**

**045H**

**LH 0465/327**

**MAX 1 HANDGERAECK / HANDLUGGAGE**

ETKT No.

744C05FC

\*\*\* \*\*  
\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

Name of passenger

**ELBASHIR/HINDMOHAMED**

**API**

ETKT 176230136179301

MCO

FRA

**LUFTHANSA**

Carrier Flight No./Class Date

**LH 0465 Y 28JAN**

Gate

**084**

Boarding time

**1950 045H**

**086**

Seat

Kurzfristig Änderung des Flugstiegs möglich.  
Gate changes possible at short notice.

Pcs Ck. Wt. Unck. Wt. Pcs. Ck. Wt. Unck. Wt.

Wir bitten Sie, zur Boardingzeit am Gate zu sein, andernfalls kann Ihr Sitz anderweitig vergeben werden.  
Please be at the gate at boarding time otherwise your seat may be given away.

# EXHIBIT D



## Flight history for Lufthansa flight LH465

Walgreens is a preferred network pharmacy with many plans.  
  
   
[Learn more](#)

\*Based on December 2016 CMS enrollment data.

DATE	FROM	TO	AIRCRAFT	FLIGHT TIME	STD	ATD	STA	STATUS
09 Feb	Orlando (MCO)	Frankfurt (FRA)	744	-	8:20 PM	-	10:55 AM	Scheduled
08 Feb	Orlando (MCO)	Frankfurt (FRA)	744	-	8:20 PM	-	10:55 AM	Scheduled
07 Feb	Orlando (MCO)	Frankfurt (FRA)	744	-	8:20 PM	-	10:55 AM	Scheduled
06 Feb	Orlando (MCO)	Frankfurt (FRA)	744	-	8:20 PM	-	10:55 AM	Scheduled
05 Feb	Orlando (MCO)	Frankfurt (FRA)	744	-	8:20 PM	-	10:55 AM	Scheduled
04 Feb	Orlando (MCO)	Frankfurt (FRA)	744	-	8:20 PM	-	10:55 AM	Scheduled
03 Feb	Orlando (MCO)	Frankfurt (FRA)	B744 (D-ABVZ)	-	8:20 PM	-	10:55 AM	Scheduled
02 Feb	Orlando (MCO)	Frankfurt (FRA)	B744 (D-ABVY)	7:56	8:20 PM	8:29 PM	10:55 AM	Landed 10:25 AM
01 Feb	Orlando (MCO)	Frankfurt (FRA)	B744 (D-ABVT)	8:05	8:20 PM	8:29 PM	10:55 AM	Landed 10:34 AM
30 Jan	Orlando (MCO)	Frankfurt (FRA)	B744 (D-ABVO)	7:43	8:20 PM	8:25 PM	10:55 AM	Landed 10:09 AM
29 Jan	Orlando (MCO)	Frankfurt (FRA)	B744 (D-ABVM)	7:39	8:20 PM	8:30 PM	10:55 AM	Landed 10:09 AM
28 Jan	Orlando (MCO)	Frankfurt (FRA)	B744 (D-ABWV)	7:43	8:20 PM	9:10 PM	10:55 AM	Landed 10:53 AM
27 Jan	Orlando (MCO)	Frankfurt (FRA)	B744 (D-ABVY)	7:57	8:20 PM	8:21 PM	10:55 AM	Landed 10:19 AM

More than 7 days of LH465 history is available with an upgrade to a Silver (60 days), Gold (180 days), or Business (365 days) subscription

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