

No. 17-1351

**THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs – Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants.

On Appeal from the United States District Court, District of Maryland,
The Honorable Theodore D. Chuang, United States District Judge
(8:17-cv-00361-TDC)

**ATTACHMENT TO BRIEF OF *AMICI CURIAE* AIRPORT
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ATTACHMENT A

ATTACHMENT A: LIST OF *AMICI CURIAE*

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ATTACHMENT B

April 18, 2017

Airport Attorney Coalition Letter: Signatories¹
In Support of Plaintiff-Appellees in *IRAP v. Trump*

To the Honorable Judges of the 4th Circuit:

We are 302 lawyers across 25 airports who witnessed firsthand the extreme disorder and chaos engendered by President Trump's initial travel ban at major airports across the country and the world. We write collectively to express our serious concerns regarding the second travel ban currently before the Court. The impact of these bans extends beyond the individual travelers and their families and communities. We expect that a second travel ban would follow in the footsteps of the first to 1) inappropriately interfere with the attorney-client relationship and 2) compromise our ability to advocate for our clients, with potentially severe and irreversible consequences.

In the wake of the implementation of the first ban, several things became clear to the attorneys who arrived at the airports to offer their assistance. First, there was utter confusion around how the ban would be executed, how it might

¹ To the extent organizations, corporations, or other entities are provided below by a signatory to this letter, this information is for identification purposes only, and not to attribute any opinion or stance to the affiliated organization.

affect different classes of travelers, and what rights those travelers might have under the ban. Second, this lack of clarity extended to both sides of the customs areas at each airport, as it became apparent that the Customs and Border Protection (“CBP”) officers tasked with enforcing the ban did not receive sufficient notice or training regarding how the executive order would be implemented in practice. Lastly, the ban's effects on travelers and their families were highly distressing, and the uncertainty as to whether families would be reunited was an excruciating one.

The effects of the first ban are widespread and continuing, as witnessed by volunteer lawyers still stationed at various airports. To this day, it is still unknown exactly how many travelers have been detained; for how long they were detained; if they were cuffed, denied medication, food, or representation; how many were forced to waive their rights or sign away their legal status; how many were denied passage to board flights bound for the United States in the first place; or if the decisions and actions of the CBP were appropriate or justified in each case. The inability to adequately advise our clients in potentially unlawful detention - or in some cases, to communicate with them at all - flies in the face of public policy, especially where lawful status may be signed away under duress.

The lack of transparency into CBP's practices and the potential for abuse of their discretion, paired with the failure of CBP officers across airports to adequately communicate with attorneys, caused chaos and instilled fear in the

community that has only been compounded by the issuing of the second travel ban.

We continue to receive frequent reports of United States citizens, Lawful Permanent Residents, and others with valid entry documents or ties to the United States fearful of scheduling travel or of having their families come to visit. We hear from individuals who are concerned that their travel might be disrupted if the current stay on the second travel ban is lifted, and apprehensions of being unable to reunite with family or return to courses of study in the United States. Many fear a forced return to countries where their lives may be in danger. These continuing effects have only been exacerbated by the community's reported understanding of the second travel ban to be part of the same overarching initiative that produced the first travel ban.

For all these reasons, we oppose Defendants' request for a stay of the narrow Preliminary Injunction imposed by the District Court.

Respectfully,

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ATTACHMENT C

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INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

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Defendants – Appellants

DECLARATION OF HASSAN MINHAI AHMAD

I, Hassan Minhaj Ahmad, upon my personal knowledge, declare under threat of perjury as follows:

1. My name is Hassan Minhaj Ahmad.
2. I am an attorney, admitted to practice in the State of Maryland and the Commonwealth of Virginia.
3. Since 2003, I have focused the bulk of my practice in matters of US immigration and naturalization law.
4. My practice involves all manner of US immigration and naturalization, including family and employment-based immigration, asylum, defense in removal proceedings, and immigration-related federal court litigation. As such, I am intimately familiar with the laws and regulations impacting the entry and admission of foreign nationals into the United States.

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5. I run my own firm, the HMA Law Firm, PLLC, located at 7926 Jones Branch Dr., Suite 600, McLean, Virginia 22102.
6. On January 25, 2017, newly inaugurated President Trump announced that he would sign an executive order that would, inter alia, bar foreign nationals from seven Muslim-majority countries from entering the United States for 90 days. Said travel ban could also be extended.
7. Almost immediately, I began receiving frantic messages from people around the country – including my own clients – who were very concerned about their immigration status, even if they were not from one of the seven countries.
8. On January 26, 2017, I received an email from the International Refugee Assistance Project (“IRAP”) which was setting up an “emergency legal response” team for airports. I immediately signed up, and further posted on social media to inform other lawyers and volunteers of the opportunity. I signed up to go to Washington-Dulles International Airport on Saturday, January 28, 2017. Besides my familiarity with immigration law, I have represented clients at the Deferred Inspection Unit (“DIU”) of US Customs & Border Protection (“CBP”) at Dulles Airport numerous times over the course of my career. I thought that my familiarity with the operations at Dulles might be useful.
9. President Trump signed that first executive order on Friday, January 27, 2017.
10. The next morning, I was informed that Virginia Governor Terry McAuliffe and Virginia Attorney General Mark Herring would be holding a press conference at Washington-Dulles International Airport to draw attention to two young brothers from Yemen, lawful permanent residents of the United States, who were denied entry earlier that morning and were detained and sent back.
11. Though I had signed up for an evening shift, I arrived at Dulles Airport at approximately 3:00 pm on Saturday, January 28, 2017. A small crowd of “welcomers” had gathered in the International Arrivals Hall, loudly welcoming travelers as they entered.
12. By the time the press conference started at 4:30 pm, the crowd had grown noticeably larger. There were not only protesters, but also many members of the press and quite a few immigration lawyers, many of whom I count as my colleagues and friends.
13. Gov. McAuliffe and A.G. Herring reported that they were not allowed to speak to CBP, nor meet any detained passenger.
14. On that Saturday, it was still unclear whether the newly signed executive order applied to foreign nationals lawfully admitted as permanent residents (“LPRs”). By then, what had happened earlier to the two Yemeni LPRs was well-known to the coalescing team of volunteer lawyers on the ground at Dulles.

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15. Hasty arrangements were being made to bring printed entry of attorney appearance forms (G-28 forms). Other lawyers were canvassing the crowds, finding individuals who had loved ones stuck in customs or inspection and were unable to verify whether they were going to be allowed in.
16. The crowds grew larger and larger as the evening wore on. The chaotic scene was punctuated with tears of concern and fear, loud chants from the crowd, and joy when a passenger known to have landed several hours earlier was seen emerging from the inspections area.
17. I helped two families: one, a family of Iraqi LPRs who obtained their green cards through service as a translator for the US armed forces in Iraq. It was a father, mother, and two young sons. They were detained for roughly five hours before finally being allowed to enter.
18. The second family was an elderly couple from Iran. The gentleman was a heart patient, and an LPR. His relative who waited for him informed me that if he was detained and sent back, the lengthy flight back to Tehran would be a serious risk to his health.
19. Despite repeated requests to meet with both of these sets of clients, our attempts were rebuffed. No attorney on the ground at Dulles that night was able to meet with a single client – LPR or otherwise – and in fact, was not able to speak with any CBP officer.
20. All information ostensibly from CBP was relayed to us through representatives from the Metropolitan Washington Airport Authority (“MWAA”).
21. The welcoming cheers of the crowd shifted dramatically by this time. I heard “Let them see their lawyers!” and the words “Due process!”
22. I recorded and posted a short Facebook live video at 11:34 pm of this portion of the evening, which has now been viewed approximately 3,700 times.
23. Over the next two months, I volunteered with the ad hoc group of attorneys, advocates, translators, and other volunteers which became known as the “Dulles Justice Coalition.”
24. When the second executive order on immigration was signed on March 6, 2017 the DJC was better equipped to handle concerns from worried travelers. We continued to provide a needed service, even as salient portions of the second ban, too, were halted by federal courts, first in Hawaii and then in Maryland.
25. Despite the temporary restraining orders (turned preliminary injunctions) nationwide halting these bans, the chaos of the first days remain a concern.
26. One of the difficulties we face is that with each policy change (such as excluding permanent residents, or limited temporary restraining orders) information has to

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filter down to CBP agents around the world, and from there to all airlines around the world with US-bound flights. DJC worked with airlines as much as possible to ensure that those with valid visas would be allowed to board their flights to the United States, and then worked with the airport personnel on the ground to help ensure their smooth entry into the United States.

27. Despite the preliminary injunctions, I have continued to receive messages from not only immigrants, but US citizens, concerned about their ability to re-enter the United States.
28. I spoke with a lawful permanent resident from Pakistan who canceled his trip to perform a religious pilgrimage in February 2017 after I advised him of the risks – however manageable – of traveling to Saudi Arabia.
29. I spoke with another lawful permanent resident who indicated that the uncertainty in ability to travel made him unwilling to take international assignments for work, which disadvantaged his career opportunities.
30. The daughter-in-law of an elderly couple whom I represent in their application for permanent residency has become extremely concerned that her parents-in-law will somehow be denied and get arrested. For most people, uncertainty in the immigration process is extremely nerve-wracking, as even with the assurances of counsel, the “system” is viewed monolithically. As a lawyer familiar with the various changes in policy across the different immigration agencies (such as the executive order altering the prioritization scheme for deportations, or the implementing memorandum to Secretary-DHS John Kelly calling for “rigorous enforcement” of the immigration laws, and well-publicized stories of ICE arresting certain applicants for permanent residence at their required interviews before USCIS) I can no longer advise clients that their fears are completely unjustified.
31. I have received messages from clients and others who are not from Muslim-majority countries also concerned about international travel.
32. I have also had to advise clients who may ask about travel on a date in the near future that because the executive orders and subsequent challenges cause rapid change, that any advice now given could possibly change with little or no advance notice. As such, I advise these people to contact me shortly before their travel, which means some people have to book their travel in advance without knowing whether they will ultimately be able to make the trip.

I, Hassan Minhaj Ahmad, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

**UNITED STATES COURT OF APPEALS
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/s/ Hassan Minjaj Ahmad
Signature

April 17, 2017
Date

ATTACHMENT D

**UNITED STATES COURT OF APPEALS
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Defendants – Appellants

DECLARATION OF JORGE L. BARON

I, Jorge L. Baron, upon my personal knowledge, declare under threat of perjury as follows:

1. My name is Jorge L. Baron. I am an immigration attorney licensed in the state of Washington and currently serving as the executive director of the Northwest Immigrant Rights Project (“NWIRP”). NWIRP is a nonprofit organization providing immigration legal services to low-income individuals in Washington State.
2. On the early morning hours of Saturday, January 28, 2017, two of our staff attorneys arrived at SeaTac International Airport in order to be prepared to

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provide assistance to an Afghan family that would be transiting through the airport that morning. We had been alerted to this arrival by colleagues from the International Refugee Assistance Project (“IRAP”) who had worked with the Afghan family prior to their travel to the U.S. IRAP colleagues had asked us to have staff on stand by in case these individuals needed legal assistance as a result of the executive order that had been issued by the President the day before, January 27, 2017.

3. The Afghan family was held up in secondary for several hours. However, as our staff monitored their situation, we began to get reports about other people at the airport who were being impacted by the President’s executive order. These reports were initially very sketchy and mostly came from family members who had been waiting to welcome relatives but had not heard from them despite their planes having landed at SeaTac.
4. In light of the reports we were receiving, I decided to go to SeaTac to assist the staff members who had been there since the early hours. Upon arrival, I was able to make contact with staff from the Port of Seattle (the agency that runs SeaTac airport) who were looking for an immigration attorney who could assist a family whose relative was apparently about to be deported. I met with this family in the early afternoon and learned that they had received a phone call just minutes earlier from their relative who had been denied admission to the U.S. and had been placed on a return flight to London by U.S. Customs and Border Protection (“CBP”). I learned that the British Airways flight had already departed by the time I talked to this family. I assigned one of our staff to talk to the family and

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obtain information about their situation but recognized that there was nothing we could to in the short-term for this particular family.

5. At around this time, we began to get other reports about two other individuals who were being held by CBP at SeaTac. We learned about one of them through a family who had been waiting for him at the airport. Through the Port of Seattle officials, we made requests to CBP officials at the airport to be able to speak to these two individuals. Our requests were denied. We learned that these two individuals were going to be deported on a flight departing at approximately 5:00 pm that afternoon.
6. Based on the information we had received through family members, our organization, along with collaborating attorneys who had arrived at the airport since that time, prepared a habeas petition on behalf of the two individuals being held by CBP without access to counsel. This habeas petition was filed with the U.S. District Court for the Western District of Washington along with a motion to stay removal of the two individuals. U.S. District Judge Thomas Zilly granted the stay of removal shortly before the departure of the plane. CBP officials ultimately agreed to delay the departure of the two individuals and pulled them off the plane.
7. Even though these two individuals were our clients and there had been a stay of removal in place, CBP officials at SeaTac initially denied me access to speak to them. It was only after a few hours from the time that they were taken off the plane that I was given an opportunity to meet with them. CBP had also denied them the opportunity to contact family members or others. It was only after I spoke to the clients and made a request from CBP officials that they agreed to

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allow our clients to make calls to their relatives to let them know what had happened.

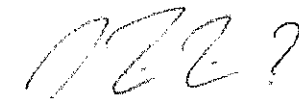
8. CBP officials initially informed me that our clients would be transferred to the Northwest Detention Center in Tacoma. However, after some time, we were told that it might be possible for my clients to be considered for a "national interest" waiver that would allow them to enter the United States. Unfortunately, this required clearance from Washington, DC. By this point, it was around 11:00 pm PST and I was told that, because it was the middle of the night in DC, it might be some time before we could get the waiver granted.
9. Eventually, around 1:30 am, I was told that our clients would need to be moved to another area of the CBP offices because the area where they had been held up until then was being closed. CBP officials set up cots in this different area so my clients could sleep. I was told, however, that I could not stay with the clients. I objected to this (in light of the fact that I had not been granted access earlier). However, I was assured that I would be granted access if anything changed and I therefore left the secured area.
10. It was not until approximately 6:15 am that I was informed by CBP that my clients were granted the waiver and were being released. The release happened around 6:30 am.
11. It was apparent to me the entire time I spent at SeaTac during January 28-29 that local CBP officials were caught completely unprepared by the executive order and had not received a warning that this new directive was coming.

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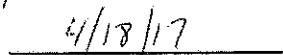
12. Since this weekend, and despite the court orders that have stayed both executive orders, my clients – including U.S. Citizens – have expressed deep concern about their ability to travel freely. It has upended work schedules, family commitments and ability to attend events such as weddings or funerals of loved ones, and caused incredible stress in the immigrant community.

13. It has been difficult to advise clients fully regarding their rights and possible remedies and recommended best practices for protecting those rights with the same level of confidence prior to the bans' issuance. This is all the more frustrating because assistance of counsel is not a respected principle in the secondary inspection process.

I, Jorge L. Baron, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.



Signature



Date

ATTACHMENT E

DECLARATION OF OFELIA LEE CALDERÓN

I, Ofelia Lee Calderón, upon my personal knowledge, declare under threat of perjury as follows:

1. My full and complete name is Ofelia Lee Calderón. I am an attorney licensed in Maryland, the District of Columbia, and the Commonwealth of Virginia.
2. On Saturday January 28, I was at Washington-Dulles International Airport ("Dulles Airport") as a volunteer attorney for the International Refugee Assistance Project. In that capacity, I worked to obtain access to individuals being denied entry, detained, or held for prolonged periods of time in secondary inspection as a result of the Executive Order.
3. When I arrived at Dulles Airport in the early afternoon, I was frankly shocked by the scene in International Arrivals. There were literally hundreds of people congregated in different locations near the main arrival doors. There were additional cones and separators where passengers normally arrive because of the sheer numbers of people.
4. After talking to other attorneys and activists, I saw that there were basically three groups of people. There were activists and normal every day people who had heard about the travel ban and had immediately dropped everything to come to the airport and show their support for the travelers as well as their discontent with the ban. There were attorneys, interpreters, and other legal volunteers who came to the airport because they felt a fierce need to try and help.
5. Finally, there were the family members and friends. There were so many people who were in the waiting area actually waiting for their friends and relatives to come home. Many had no idea where their loved ones were. They didn't know whether they had been stopped from boarding airplanes overseas or whether they were somewhere detained in the Dulles Airport. Literally, people were in tears in the airport as they struggled with the lack of knowledge.
6. Throughout the day, I, along with others, interviewed various people about their situations. If possible, we tried to connect with other volunteers in other overseas airports to investigate what was happening. We attempted to contact the various airlines to confirm whether passengers had actually boarded airplanes. Some passengers and would be passengers had smart phones that on occasion we could text through, others did not. We also attempted to speak directly with Customs and Border Patrol at Dulles Airport to confirm who was being held in secondary inspection. We were not successful. No agent would give us any information and repeatedly told us that we were not allowed to have that information.
7. In addition to the general people I tried to help on Saturday, January 28, 2017, I attempted to obtain access to two Lawful Permanent Resident clients (hereinafter referred

to as the "Aziz brothers") on two occasions who had contacted another organization that I am associated with. They were two young boys who were coming to the U.S. for the first time on immigrant visas they had been issued as a result of the family petition filed by their U.S. Citizen father. At some point during the day, Legal Aid Justice Center ("LAJC") filed a lawsuit on their behalf in the U.S. District Court, Eastern District of Virginia. Later that evening, a Temporary Restraining Order was issued from that same Court enjoining the removal of Lawful Permanent Residents and permitting access to counsel for Lawful Permanent Residents detained at Dulles Airport.

8. Prior to the issuance of the Temporary Restraining Order by Judge Brinkema of the Eastern District of Virginia, I and Sirine Shebaye, Esq. presented signed copies of form G-28 Notice of Appearance confirming our representation of our clients, the Aziz brothers, to a Customs and Border Protection ("CBP") agent in the hallway outside of Deferred Inspection, located in the International Arrivals area.
9. I do not know the name of the CBP agent, but I explained that I believed that my two clients were being held in secondary inspection and that I would like access to them and/or information regarding their situation. The CBP agent brought us into deferred inspection to show us a nonexistent notice explaining that under a nonspecified Privacy Act, he was unable to share any information about any individual who might be held in secondary inspection.
10. He further stated that there is no right to counsel in the airport. He then showed us out of the office and refused to answer any further questions.
11. After the issuance of the Temporary Restraining Order, I personally called Dulles CBP at (703) 661-2800 and asked for access to my two clients. I stated that I had the TRO in my hand along with form G-28 and that a sitting U.S. District Court judge had ordered that my clients be permitted access to me, their attorney. The unknown officer told me that I would not be permitted to come back there and that she could not give me any further information. She also directed me to contact Public Affairs.
12. I have since learned that the Aziz brothers were detained and handcuffed by CBP, forced to sign form I-407 relinquishing their lawful permanent resident status, and sent to Ethiopia where, upon information and belief, they currently remain. They were not given copies of any of the documents they signed. At no point during their detention were they allowed access to counsel.
13. The example of the Aziz brothers is just one of many. Despite the TRO, lawyers were never granted access to secondary inspection or to clients who were detained for hours behind those International Arrival doors. Those who were detained were literally without counsel and could not be fully represented in any capacity.

14. I stayed at Dulles Airport on January 28, 2017 until midnight. I returned to Dulles Airport the next day and remained again until midnight. Frankly, I returned to Dulles Airport for many days afterwards through a grassroots coalition of volunteers subsequently called the Dulles Justice Coalition (hereinafter referred to as "DJC"). Throughout that first weekend, I recall the deep sadness and frustration of family members, friends, and stranded passengers. After that weekend, I continued to work with DJC and received multiple requests for legal assistance through a dedicated email that was set up for this purpose. Through that work, I have personal knowledge of passengers who were stranded at airports around the world unable to board airplanes to return home to the U.S. despite having legal entry documents in their hands.
15. In the days that followed, I worked with passengers who were held for long hours in secondary inspection at Dulles Airport before finally being admitted while coordinating with overseas counsel on travelers whose visas had been "revoked" during that first weekend and required "waivers" from the U.S. Department of State. Because of the suddenness of the ban and vague language used in the Executive Order, there was a substantial lack of knowledge as to how to respond to the ban through legal channels on the part of travelers, the State Department, and lawyers. This in turn created chaos at many different levels.
16. I want to also note that on top of the actual legal problems that existed around travel, the issuance of the travel ban created wide-scale panic and fear throughout the immigrant community. I personally spoke to community groups at local mosques and the fear was palpable. Every day members of our larger community did not understand the travel ban. U.S. citizens from Muslim majority countries were scared to travel for emergencies and perhaps legitimately believe that they will be discriminated against. Unfortunately, this apprehension was not limited to the Muslim community. Immigrants from all over the world expressed to me their alarm about what this ban and apparently open discrimination by the Government of the U.S. would mean for their own communities.
17. In addition to my regular law practice, I continue to work on the issues arising out of these unlawful travel bans. I am committed to this project and hope never to witness again the fear, uncertainty, and injustice that I observed and continue to observe during this painful period of our history.

I certify under the penalty of perjury that all of the foregoing information is true and correct to the best of my knowledge and belief.

/s/ Ofelia Lee Calderón

Signature

April 14, 2017

Date

ATTACHMENT F

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF PATRICIA M. CORRALES

I, Patricia M. Corrales, being over eighteen years, swear under penalty of perjury that the information that I provide in this declaration is true and correct.

1. I am an immigration and criminal defense attorney in private practice in Pasadena, California.
2. I am a licensed attorney in the State of California with State Bar No: 183249 and I am a member in good standing.
3. Previously I worked as a Senior Attorney for former INS and the Department of Homeland Security in Los Angeles, California from March 1995 to August 2012.
4. I volunteered to provide legal advocacy on behalf of individuals traveling to Los Angeles International Airport (“LAX”) on January 29, 2017.
5. I arrived at LAX at 5:35 a.m. and remained assisting families and working to obtain information from Customs and Border Patrol (“CBP”) until 2 pm.
6. When I arrived at LAX on January 29th, I spoke to one of the on the ground volunteer coordinators who informed me that two families were seeking information about their relative. Specifically, because of my previous experience with ICE, I was asked to attempt to speak with a CBP representative concerning: (1) an individual who arrived on Norwegian Air DY7092; and (2) another individual who arrived at 4:15 p.m. on Saturday, January 28, 2017

on flight TK 9. The sister of a traveler had asked assistance to obtain information regarding her sister.

7. At approximately 6:25 a.m. in the morning, I went to the third floor to the CBP office and found no one. I contacted the number on the posted sign and spoke to Officer Gamez. I proceeded to request information about the two individuals and the officer indicated that she could not provide any information. I persisted in seeking to communicate with someone with authority. About two minutes later, I was connected with Section Chief Wendy Watson. I explained who I was, my prior background and informed her that I was merely seeking confirmation of whether the two individuals were presently in the airport and detained. I heard a click on the line and it appeared that Section Chief Watson deliberately hung up the phone on me. I called back and again requested to speak to Section Chief Watson. Section Chief Watson then advised me that she could not provide me with any information because they (I took this to mean "CBP") were awaiting further guidelines for the "higher ups.") I then insisted that Section Chief Watson provide basic information as she had access to TECS, DACS and several databases that could tell her where an individual was in the admission process. At which point, Section Chief Watson stated that she has been with the government a long time and wants to keep her job. She further stated that given my prior background then I should know that CBP would abide by the injunction and not remove anyone. She then proceeded to say that if CBP hasn't removed anyone and we haven't seen anyone come out from the terminal then the person was probably in secondary. I took Section Chief Watson's statement to imply that both travelers mentioned in Paragraph 6, above, were still in CBP custody. Nonetheless, I proceeded to insist that she tell me if these two individuals were detained to which Section Chief Watson advised me that she could not answer any questions until I sent a G-28. Section Chief Watson then proceeded to provide me with her email and suggested that I send her my G-28 for these individuals to her attention and she would get back to me. I then asked Section Chief Watson whether the detained travelers could use their cell phones to contact their family members as they were worried. Section Chief Watson stated that cell phones are not allowed as they are disruptive. I proceeded to argue with her about this point but she simply stated that she could not provide any information without a G-28.
8. Section Chief Watson provided me with her direct email address, and unequivocally stated that she would get back to me if I reached out to her at this contact information.
9. I proceeded to the first floor, informed the local volunteer coordinator of my conversation with Section Chief Watson and proceeded to fill out two separate G-28s. I then had the two G-28s scanned and I emailed both G-28s to Section Chief Watson at approximately 7:15 a.m.
10. After sending the G-28s to Section Chief Watson at the email she directed me to, I left her another message and asked her to return my call. It was now 9:40 p.m. and I still had not received a reply email or call from Section Chief Watson.
11. One of the individuals I was assisting, an Iranian citizen, was studying in the U.S. on a student visa and was in her second year in her Master's program. She was removed from LAX and put on a plane *after* the nationwide injunction was issued in *Darweesh*.
12. I also spoke that day to the son-in-law of two elderly Iranian citizens regarding his parents-in-law. He was deeply concerned as they were on various medications, including for diabetes, and his father-in-law had had open heart surgery less about a year ago. His wife arrived to join us around 11:10am. She told me that her parents were coming to the U.S. on tourist visas to spend time with their granddaughter. She was very, very concerned because

both her parents were diabetic, and her father had had two open heart surgeries. She was extremely emotional and worried, as the last contact she'd had with her parents was a call around 1:00am from her mother, from a government phone.

13. I advised my colleague Judy London of this family's plight.

14. I then proceeded to go with the daughter of the detained Iranian couple to CBP's desk again on the third floor. I spoke with Officer Wu. I advised Officer Wu who I was and the purpose of my request. I asked to speak to Section Chief Watson about this case to which Officer Wu told me that Section Chief Watson was not in until the afternoon. I asked Office Wu if the elderly Iranian couple could use their cell phone to contact their daughter so that their daughter would not be panicked. Officer Wu unequivocally stated the following: "cell phones are not being allowed because they can be disruptive and we don't know what social media sites the individual would access." Catalin, an attorney with ACLU in Los Angeles, was present with me when I inquired about allowing telephone contact between a distraught daughter with her elderly and sick parents in detention. The response was an unequivocal "no."

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Pasadena, California on April 16, 2017.

By: /s/ Patricia M. Corrales
Patricia M. Corrales

ATTACHMENT G

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF CLAUDIA R. CUBAS

I, Claudia Raquel Cubas, upon my personal knowledge, declare under threat of perjury as follows:

1. My name is Claudia Raquel Cubas. I am a U.S. Citizen and immigration attorney.
2. I work for the Capital Area Immigrants' Rights Coalition. I am barred in the State of Maryland and am also admitted to practice before the Federal District Court in Maryland. I have over eight years of experience representing immigrants apply for visas processed through consulate channels, adjusting status to lawful permanent residents in the United States, applying for U and T visas form victims of violent crimes and trafficking, and applying for various forms of cancellation and waivers to obtain or permanent resident status.
3. For the last six years, I have worked exclusively with immigrants who face detention or are detained and in the custody of Immigration Custom's Enforcement (ICE), and have counseled and represented people who have applied for admission at designated points of entry at our nation's borders, or who have

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been subject to various forms of expedited removal as a result of being apprehended near or at the border or port of entry.

4. On January 28, 2017, I arrived at around 5:00 PM EST at Dulles International Airport, located in the state of Virginia, to offer pro bono legal counsel to any immigrant who was a national of the seven enumerated countries affected by the, Executive Order signed into law by President Trump on January 27, 2017.
5. I met with many desperate family members at Dulles, including a mother of a 5-year old U.S. citizen boy who was traveling with his 20-year-old cousin who was a lawful permanent resident (LPR) and national of Iran and detained for what I recall must have been at least 4 hours. Her and her son's story was even featured in the news. *See ABC7news, Mother from Iran, 5-year-old son reunited after he was detained at Dulles Airport*, Washington D.C., Jan. 28, 2017, available at: <http://wjla.com/news/local/video-mother-from-iran-5-year-old-son-reunited-after-he-was-detained-at-dulles-airport>.
6. I also helped another colleague, Ofelia Calderon who is a local private immigration attorney, attempt to talk in spurts via cell phone and text messaging with a young man from Iraq who is a lawful permanent resident (LPR) and had been residing in the U.S. for the last 3.5 years.
7. Trying to assist these people felt like an exercise in futility, as the restrictions on my ability to meet with them and provide counsel was limited by Custom Border Patrol (CBP) officials. If I had been provided direct access to these people (the U.S. citizen child and LPR cousin, and the LPR Iraqi young man), I could have assisted them in reducing detention time, and clarifying to CBP officials the non-applicability of these executive orders, especially the U.S. citizen child. It would have been fairly easy for me to explain that the young Iraqi LPR man and LPR cousin should each not have been considered as even applying for admission or entry by just referencing INA § 101(a)(13)(c).
8. Instead, I spent a good amount of time with my colleague Ofelia, answering the phone, trying to get little pieces of his story whenever this young Iraqi LPR could make a call to talk to us. In between calls, we could only wait and pass on information to his friends and family who were anxiously awaiting his arrival. The same was the case for the mother of this U.S. citizen child, we could not obtain any information about her young son and his cousin, despite inquiring to officials about her son and nephew, while a volunteer non-immigration attorney comforted her and collected information from her.
9. The fear, uncertainty, and confusion, that this U.S. citizen child and his mother experienced, and that the young Iraqi LPR man went through, was significant. This ordeal could have been avoided, or perhaps shortened, if I had been able to conduct a quick 20-minute consultation with the U.S. citizen child, his mother, and the young Iraqi LPR man followed by a quick direct 5-7 minute conversation as counsel with CBP. Instead, detention and uncertainty was prolonged for hours.

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10. I cannot, therefore, emphasize enough how important counsel is to efficacy of the system generally; moreover, the effective involvement of counsel also serves to increase compliance by government officers with court orders in understanding that an executive order is meant to guide agency officials in how to apply existing law -- it does not actually supplant it.
11. Additionally, my inability to counsel people was further exacerbated by the fact that that I was one the few lead immigration attorneys requesting to contact high management officials at ICE-DHS headquarters and CBP, in order to gain access to my client pursuant to the order issued by the Virginia District Court. These requests either went unanswered or were ultimately denied.
12. Although an injunction on the January 27, 2017 Executive Order was upheld by the U.S. Court of Appeals for the Ninth Circuit and currently remains, the practice of immigration law has not returned to the *status quo anti* the signing of the Executive Order. This is in part because, on March 6, 2017, President Trump issued another Executive Order, which I understand to be the subject of this appeal, and which I understand the Defendants-Appellants are attempting to enforce through this appeal.
13. We continue to receive frequent reports of United States citizens, Lawful Permanent Residents, and other people with valid entry documents or ties to the United States who are fearful of scheduling travel to or from the United States or of having their family members come to visit them here in this country. The ban has caused many to reconsider or abstain attend weddings or funerals abroad, and causes stress to those that may have to travel internationally for any reason, fearing that they may not see their family or be allowed to return to their jobs or studies. These continuing effects have only been exacerbated by the general view of seeing the second travel ban as part of an extension of the first travel ban.
14. In addition, given the reports of CBP's enforcement of the January 27 Executive Order, individual clients have expressed concern that, even if they and/or family members have lawful status, CBP officials may do one or more of the following: deny them entry into the country; separate them from their families; detain them without providing access to counsel; force them to waive their lawful status or other rights; or unilaterally determine that they should be deported immediately, placing them on a return flight to the country which issued their passports. With respect to persecuted individuals who have been granted a refugee or asylum status based on a well-founded fear that they or their family members would be killed in their countries of origin, this fear is particularly acute.
15. Even after the lifting of the first travel ban and under suspension of the second, the world of immigration law has altered. Given the shifting legal landscape, it is very difficult to confidently counsel clients and their family members on the enforcement of current border laws or of their respective rights. Though I have the better part of a decade of legal experience advising immigration clients, based upon my experience interacting with the CBP following the issuance of the

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January 27 Executive Order and due to the uncertainty caused by these orders, I cannot advise my clients on whether (1) the current rules of immigration and customs enforcement will continue to be in effect when clients or their families arrive in the United States; (2) how CBP officials will interpret any changes in immigration and customs enforcement policies when they become effective; and (3) whether I will be able to contact my clients in the event CBP officials have interpreted changes in immigration and customs enforcement policies in a way in which clients which have a lawful basis for entering the United States are detained or prevented from entry.

16. In conjunction with the effects of the travel bans, the increased ICE enforcement and changing priorities for removal and detention have caused upheaval to the immigration legal practice. Just within the last two months, my staff encountered a Latino lawful permanent resident who was wrongfully detained for a month based on inaccurate information attributed to him. While it was clear after meeting him that he was not removable, it was only after concerted counseling and advocacy that we managed to convince ICE to release him and dismiss the wrongfully initiated removal proceedings. This situation acutely reflects the true reality of increased/unchecked detention of otherwise lawfully residing immigrants. The court system and legal advocates were already overburdened with immigration cases and immigration clients needing assistance; now, we are seeing far harsher and less discriminate enforcement that is exacerbating the situation to a new level, which I had not previously witnessed in my eight plus years of immigration law practice.

I, Claudia Cubas, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.


Signature

April 18, 2017

Date

ATTACHMENT H

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF TALIA INLENDER

I, Talia Inlender, upon my personal knowledge, declare under threat of perjury as follows:

1. I am a member of the State Bar of California. I am employed as a Senior Staff Attorney in the Immigrants' Rights Project at Public Counsel in Los Angeles, California. I have personal knowledge of the events described herein, and could testify to them if called to do so.
2. On Saturday January 28, 2017, I arrived at Los Angeles International Airport (LAX) at approximately 11:30 AM. I remained physically present at LAX until Sunday January 29, 2017 at approximately 1:30 AM. During that period, I was attempting to assist individuals denied entry to the United States as a result of President Trump's Executive Order, issued on January 27, 2017, entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States" [hereinafter "EO"].
3. During the approximately 14 hours that I was at LAX, I witnessed repeated abuses by U.S. Customs and Border Patrol (CBP), including: (1) CBP officials refusal to provide information to attorneys and family members of individuals detained; (2) denial of attorney access to clients who were detained; (3) deportation of an individual pursuant to the EO prior to this Court's temporary order barring such removals, but after a habeas petition was filed in the Central District of California on behalf of that individual; and (4) deportation of one

individual pursuant to the EO after this Court's temporary order barring the removal of individuals pursuant to the EO was in place.

4. After arriving at LAX on Saturday morning, I went to the CBP information desk located on the departures level of the Tom Bradley International Terminal. I witnessed several family members of individuals being detained attempt to get information about their loved ones from the representatives at the CBP information desk, and being turned away without information.
5. I conducted intakes with family members and loved ones of individuals who were detained upon arrival at LAX. Three family members and loved ones provided me with permission to represent their loved ones in seeking release from CBP custody. I filled out Form G-28s (Notice of Entry of Appearance as Attorney or Accredited Representative) on their behalf, although I was not able to fully complete the forms without access to the clients.
6. At around 6 PM on Saturday evening, I learned that a nationwide temporary stay of removals pursuant to the EO had been issued in *Darweesh v. Trump*, a case in the Eastern District of New York.
7. I learned shortly thereafter that CBP was attempting to return an Iranian young woman who entered on a student visa on a Norwegian Airlines flight to Copenhagen, departing at approximately 7:30 PM PST. My understanding was that she was being returned pursuant to the EO, despite the fact that the nationwide stay order was in place.
8. My colleague Kristen Jackson and I went to the Norwegian Airlines counter to request that the young woman be removed from the plane. The airline staff informed us that only CBP could assist. By that time, the CBP information desk was closed. I was able to obtain the cell and office phone numbers of Wendy Watson, who I was informed is the Section Chief of Passenger Operations for CBP at LAX. I left messages for Ms. Watson at both her cell and office phone numbers explaining the urgency of the situation and requesting a call back. Until the present time, I have not received a call back. I also received email addresses for three CBP officials, Ms. Watson, Shannon Chaney, and Anna White. I observed my colleague, Kristen Jackson, write emails to these individuals regarding the imminent departure of this young woman. On information and belief, no CBP officer has responded to these emails.
9. Despite the attempts to intervene with CBP, the Iranian student was placed on the Norwegian Airlines flight that departed for Copenhagen at approximately 7:30 PM PST on Saturday evening, approximately an hour and a half after the nationwide stay order was imposed.
10. On Sunday January 29, 2017, at approximately 1 AM, I witnessed a volunteer attorney, whom I believe is named Morgan Pietz, contact CBP Officer Watson by telephone. I heard him request access to his clients being detained by CBP at LAX. I also heard him ask Ms. Watson for the number of individuals detained at LAX. I heard Ms. Watson inform the attorney that she could not assist him or provide him with the information he requested, and that he should contact Jaime Ruiz at the email address my colleague and I had previously been provided.

11. 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 17th day of April, 2017, at Los Angeles, California.



Talia Inlender

ATTACHMENT I

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF KARL KROOTH

I, Karl W. Krooth, upon my personal knowledge, declare under threat of perjury as follows:

1. My name is Karl Krooth. I am an attorney at the Litigation Institute for Rehabilitated Aliens, a non-profit organization, as well as an attorney for the Immigrant Crime and Justice, a Professional Law Corporation, in San Francisco, California. I am a member of the California Bar, and I practice primarily criminal and immigration law. Except as explicitly stated, the facts described below are based on my personal knowledge.

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**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

2. During the events described in this declaration, I worked with attorney Nancy Hormachea. Nancy can communicate in Farsi and filed a G-28 for representation of the client discussed herein. My spouse, Atessa Chehrazi, is also an attorney and helped with this representation.

3. Nancy and I both represented a 30-year-old Iranian man with a valid K-1 visa. He flew from Abu Dhabi on Eithad Airlines and landed at San Francisco International Airport ("SFO") on Saturday morning, January 28, 2017. His fiancée lives in Sacramento, California.

4. Upon landing at the airport, our client was detained by U.S. Customs and Border Protection ("CBP"). On Saturday afternoon, Atessa and I tried to reach out to CBP. Using the speaker phone function on my phone, we called the client's cell phone number between 4:00 p.m. and 5:00 p.m. PST. A male CBP officer answered the phone and declined access to the client. The officer refused to tell us his name. He only stated that the client's family members should have their cell phones engaged and charged, with the ringers on.

5. I understand that, at some point on Saturday, our client was transferred to the Contra Costa County ("CCC") jail in Martinez, California. On Saturday evening, Atessa and I attempted to visit the client at CCC jail in the city of Martinez. As we drove in our car from San Francisco across the Bay Bridge toward Martinez, we called the jail and spoke with someone there named Mohammed, with the speaker phone function engaged so I could hear. Mohammed told us visitation was impossible because processing was incomplete. Atessa told Mohammed that we would be amenable to arriving at the jail a few hours later as an accommodation so that processing could be

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

completed prior to visitation. I expressed my familiarity, due to my criminal practice, of jails giving members of the California bar 24-hour access to jail inmates like this client. Mohammed responded that he did not know when processing would be complete, so a meeting that Saturday night, January 28, 2017, was impossible. He also said that the client would be at CCC's West County Detention Facility in Richmond, California, on Sunday, and that we should visit with him there.

6. Because Mohammed was so adamant about the impossibility of a visitation on Saturday, as a courtesy, I waited until morning. I believed that the client meeting would be of greater value if I came back in the morning rather than sitting in the waiting area for hours prior to being allowed access. Also, I thought it was reasonable to go to the West County jail, since the Martinez jail only has a general population of criminal inmates, as compared with West County, which segregates the criminal population from the immigrant-hold population (comprised of foreign nationals without a pending criminal case). It is common for lawyers to visit with immigrant detainees at the West County jail.

7. On Sunday morning, Nancy and I went to CCC's County Detention Facility in Richmond as instructed. However, officers there told us that the client was still at the jail in Martinez. We left West County at 11:15 a.m. PST and arrived at Martinez twenty minutes later at 11:35 a.m. PST. When we got there, CCC Sheriff's Department Sergeant Scott Dickerson told me that CBP had transported the client back to SFO. He expressed disappointment that the secretary had not communicated with him so that he could have prevented CBP from transporting the client prior to giving him access to counsel.

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

8. Nancy and I repeatedly tried to get in touch with CBP on Sunday morning. We called a regional CBP supervisor, Allen Joe, and left a voicemail. Additionally, we found a number for a local CBP supervisor at SFO whose secretary answered each of our multiple phone calls. On the last call, the secretary said that she had conveyed our messages to the supervisor, and that the supervisor refused to talk to us or let us wait on hold because he was “busy with like seven other attorneys complaining about similar things right now.” Moreover, CBP only offered contact information for a national office with a 202 area code, which I understand to be a Washington D.C. area code.

9. More than 30 hours after landing on Saturday morning, our client was finally released on Sunday in the late afternoon. I understand that a CBP officer handed him a cell phone as he was led out of the detention area. After leaving the secure area he was then told, for the first time, that he could make one telephone call. He called his family members, whom I was with. I went with his uncle and congressional staffers to meet him at the departures level of the international terminal. I was then able to see and speak with my client.

I, Karl Krooth, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Signed on this day, April 18, 2017, by:

/s/ Karl Krooth

Karl Krooth

Litigation Institute for Reformed Aliens

Immigrant Crime and Justice, a Professional Law Corporation (PLC)

233 Sansome Street, Suite 706

San Francisco, CA 94104

Telephone: (415) 981-1616

Att. 40

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

Facsimile: (415) 651-1969
karl@immigrantrcrime.com
www.immigrantrcrime.com

ATTACHMENT J

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

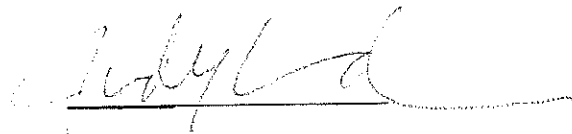
Defendants – Appellants

DECLARATION OF JUDY LONDON

I, Judy London, upon my personal knowledge, declare under threat of perjury as follows:

1. I am an attorney, and am employed by Public Counsel, a pro bono law firm located in Los Angeles, California.
2. I am the Directing Attorney of Public Counsel's Immigrants' Rights Project. I supervise a staff of 20, including 10 immigration attorneys. My office address is 610 S. Ardmore Ave., Los Angeles, California 90005.
3. I volunteered to monitor compliance with a federal court stay in the case *Darweesh et al.*, and to provide legal advocacy on behalf of individuals traveling to Los Angeles International Airport ("LAX") on January 29, 2017.
4. I was at LAX from approximately 7 a.m. to 5 p.m. and observed attorney interactions with Customs and Border Patrol ("CBP").

5. At approximately 8 a.m. this morning, I spoke by telephone with a woman named [REDACTED] who was speaking to me from Canada. She told me that her sister [REDACTED] an Iranian citizen, has been residing and studying in the United States on a student visa. [REDACTED] traveled abroad, and returned to LAX in the evening of January 28, 2017. On information and belief, [REDACTED] was denied entry and detained pursuant to the January 27, 2017 Executive Order. According to the sister, [REDACTED] was put on a plane at LAX at approximately 7:30 p.m. PST, which was about an hour and a half after the court in *Darweesh v. Trump*, 1:17-cv-00480, granted a nationwide stay of removal for class members. [REDACTED] was not allowed to use her telephone while in CBP custody at LAX, and was ultimately returned to Europe.
6. My colleague Patricia Corrales is also an attorney. She submitted to CBP a G-28 to represent a different young woman who is a citizen of Iran. The woman's friend, who is a refugee residing in California, authorized Ms. Corrales to serve as her attorney. Ms. Corrales and I reviewed the woman's documents provided by her friend. These documents indicated that the woman has a pending application for adjustment of status, and traveled abroad with advance parole.
7. We also learned that this woman had arrived at LAX at approximately 4 p.m. on Saturday, January 28th 2017. She had phone contact with her friend until around 3 a.m. on January 29, 2017. At that point, her friend was no longer was able to reach her by phone and was very panicked.
8. Ms. Corrales went with this man to the CBP booth on the third floor of LAX. Ms. Corrales told me immediately after her conversation with the CBP officer that she and the man asked CBP to verify that this woman was detained by CBP, asked that she be allowed to make a phone call, and asked that she, acting as an attorney, be provided the opportunity to speak with [REDACTED]. The CBP officer refused to verify that the woman named [REDACTED] was detained by CBP, and refused to allow her attorney to have contact, and refused to grant the request to allow [REDACTED] to use a telephone to make contact with anyone.
9. 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 15th day of April, 2017, at Los Angeles, California.
10. I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Los Angeles, California on April 15th, 2017.



Judy London

ATTACHMENT K

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF SONALI PATNAIK

I, Sonali Patnaik, upon my personal knowledge, declare under threat of perjury as follows:

1. My name is Sonali Patnaik. I am an Immigration Attorney in Dallas, TX.
2. On January 29, 30, and 31 2017, I volunteered at Dallas Fort Worth International Airport (“DFW Airport”) as a part of DFW Detained, a group of volunteer attorneys. We worked to obtain access to individuals being denied entry, detained, or held for prolonged periods of time in secondary inspection as a result of the Executive Order.
3. I met with several family members from impacted countries who were waiting for their family members, including Lawful Permanent Residents and U.S. citizens of Iraqi, Iranian, and Syrian origin who were awaiting family members arriving at the airport. The primary concern was a lack of clarity in what was happening to their family members and worry that the travelling persons could not properly understand or communicate with CBP officials.

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FOR THE FOURTH CIRCUIT**

4. At one point, along with another volunteer attorney, I attempted to obtain access to a Lawful Permanent Resident client that we believed was being detained by Customs and Border Patrol ("CBP") in or near the secondary inspection area. We waited at the window and were eventually able to speak with an officer, who curtly stated that they were not speaking with or giving access to attorneys. We then asked if we could please file a G-28 (Entry of Appearance/Representation) for the record, and were advised that they were not accepting any paperwork from attorneys. I do not know the officer's name.
5. During the first week of implementation of the first travel ban, the Dallas legal team filed a Writ of Habeas Corpus on behalf of an Iraqi national, arriving in the U.S. on a Special Immigrant Visa (issued for his service to the U.S. military in Iraq), who was detained by CBP at DFW Airport for over 12 hours. This individual was only released after the Writ was filed and the U.S. Attorney's Office communicated with CBP.
6. On February 2, 2017, I took the affidavit of a man who travelled with his wife to DFW on B-2 visas. Their flight departed Dubai on Friday January 27th; roughly one hour after the Executive Order was signed. They stated that they were not advised by airline personnel of the new travel ban or any risk at the time of departure. Upon reaching DFW, they were detained for close to 31 hours as CBP tried, through severe intimidation, to force the couple to sign withdrawals of their requests for admission. They were not allowed access to their son or an attorney during this time, and were not given a clear explanation of the meaning of the document they were asked to sign. The couple was eventually transported and released at the CAIR office on Sunday January 29th.

I, Sonali Patnaik, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

/s/ Sonali Patnaik
Signature

April 17, 2017
Date

ATTACHMENT L

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF MATTHEW D. PRYOR

I, Matthew D. Pryor, upon my personal knowledge, declare under threat of perjury as follows:

1. I am an attorney licensed to practice law in Illinois.
2. On January 27, 2017, I began volunteering with the International Refugee Assistance Program (“IRAP”) to be a team leader for lawyers at O’Hare International Airport (“O’Hare Airport”) assisting individuals from nations subject to the January 27, 2017 Executive Order.
3. Over a 48-hour period, I spent approximately 24 hours at O’Hare. I was in communication with several attorneys representing individuals arriving at O’Hare

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

Airport subject to the January 27, 2017 Executive Order, as well as with families of individuals subject to the Order who were either processed or detained.

4. On January 29, 2017, I spoke to a family member of a married Iranian couple who are both over 70 years old and who are lawful permanent residents of the United States and residents of Nevada for five years. According to the family member, on January 28, 2017, the couple was returning from a trip to Iran for their son's wedding, and their flight to Chicago departed Doha, Qatar at around the same time the Executive Order took effect. According to their family member, when they arrived in Chicago, they were told that CBP had received an order to detain them. According to their family member, they were questioned extensively about their ties to the Iranian government for approximately 45 minutes before being returned to the general detention area. According to their family member, CBP refused to provide food to them and other detainees, and at least one elderly detainee was visibly shaking and appeared to be close to passing out. According to their family member, their family was not allowed to contact them while they were being detained, and CBP would only confirm that they were being detained and would not confirm that the couple had access to their medications. According to their family member, the family hired an attorney in Chicago who went to the airport and asked the CBP to forward the couple a note stating that their family was working on trying to resolve the situation. According to their family member, they were ultimately released a few hours after a stay of the Executive Order was issued, but only after enduring 10 hours of being held in secondary inspection.

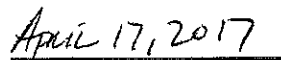
**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

5. On January 28, 2017, at approximately 8:20 p.m. Central Time, lawyers at O'Hare Airport made CBP officers aware of a Stay of Removal issued in *Darweesh et al. v. Trump et al.*, No. 17-480 (E.D.N.Y. 2017).
6. In the 48-hour period I was at the O'Hare Airport, starting on January 27, 2017, at no time before or after the Stay of Removal was issued were attorneys at O'Hare Airport permitted to meet with individuals from nations subject to the January 27, 2017 Executive Order who were placed in secondary inspection or otherwise processed or detained by CBP.

I, Matthew D. Pryor, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.



Signature



Date

ATTACHMENT M

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF SIRINE SHEBAYA

I, Sirine Shebaya, upon my personal knowledge, declare under threat of perjury as follows:

1. My name is Sirine Shebaya. I am a civil rights lawyer in Washington, D.C.
2. On Saturday January 28, I was at Washington-Dulles International Airport (“Dulles Airport”) as a volunteer attorney for the International Refugee Assistance Project. In that capacity, I worked to obtain access to individuals being denied entry, detained, or held for prolonged periods of time in secondary inspection as a result of the Executive Order.
3. The chaos was palpable. There were family members and others awaiting the arrival of travelers who should have exited hours ago, but who were still not out and about whom they did not have any information. I was told about elderly individuals, small children, persons with medical problems who had still not exited and were presumed either detained or deported. Family members were fearful that their relatives were being deported to dangerous countries, or back to

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**


airports in countries for which they did not have visas and where they would therefore be stuck indefinitely at airports.

4. I met with several family members from impacted countries who were waiting for their family members, including Lawful Permanent Residents and U.S. citizens of Iraqi, Iranian, and Syrian origin who were awaiting family members arriving at the airport. It was very difficult to assist them because we did not have and were unable to obtain good information about what was happening to their family members.
5. At one point, along with Ofelia Calderon, Esq., I attempted to obtain access to two Lawful Permanent Resident clients we believed were being detained by Customs and Border Patrol ("CBP") in or near the secondary inspection area.
6. After some unsuccessful attempts to make contact with a CBP officer, we were finally able to speak with an officer who stated only that we would not be allowed to access any clients in secondary inspection despite having the appropriate attorney representation form (G-28). I do not know the officer's name.
7. At around 8:45pm, we learned that Judge Brinkema of the Eastern District of Virginia had granted a Temporary Restraining Order requiring, *inter alia*, that CBP allow attorneys to access lawful permanent resident clients detained at Dulles Airport.
8. We attempted to enter again and were told by police officers that nobody from CBP was available to speak with us and that we would not be able to gain access to our clients. We explained that we had an order from a judge ordering CBP to grant us access but were told that CBP officers were not available to speak with us.
9. I then witnessed Ofelia Calderon make a telephone call to CBP and explain that a judge had issued an order that should allow us access to our clients. We were nonetheless not given access to our clients.
10. Later that night, a staff member working for Senator Cory Booker attempted to help us obtain access to our clients based on the court order but was informed that individuals in secondary inspection are not allowed access to legal representation despite the court order. Senator Cory Booker himself then arrived and attempted to help us gain access, but was told that nobody remained in detention at Dulles at that time.
11. I have since learned that my clients were detained and handcuffed by CBP, forced to sign form I-407 relinquishing their lawful permanent resident status, and sent to Ethiopia where, upon information and belief, they currently remain. They were not given copies of any of the documents they signed. At no point during their detention were they allowed access to counsel.

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

12. I also learned about several individuals who ended up stuck in international airports for days because they were denied boarding even though they had valid entry documents into the United States.
13. Since that day, we have received frequent inquiries from individuals considering travel outside the United States but fearful they would not be able to return, despite having valid entry documents or even being Lawful Permanent Residents of the United States.
14. The fear in the community has been evident, as even U.S. citizens have expressed a concern that their ability to travel is under threat simply because of their national origin or religious affiliation. Many community members have expressed concerns about traveling related to whether the court stay of the second travel ban would be lifted, leaving them stranded in foreign countries as a result. It has been intensely difficult to advise them given the uncertainty.

I, Sirine Shebaya, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.



Signature

April 17, 2017_____

Date

ATTACHMENT N

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF MARTIN VALKO

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

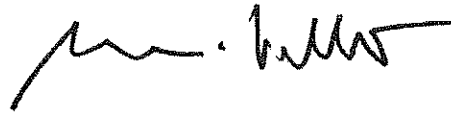
1. 1. My name is Martin Valko, and I am a member of the State Bar of Texas. I am employed as a Partner at Chavez & Valko, LLP, an immigration law firm in Dallas, Texas. I have personal knowledge of the events described herein, and could testify to them if called to do so.

2. On Saturday, January 28, 2017, at or about 1:30 PM I was contacted by the family of a Sudanese woman, who was expected to land in Dallas earlier that day on an international flight from Dubai on Emirates Airlines.
3. She was planning to enter the U.S. for a period of two months to visit her three (3) U.S. citizen children and their families, using her valid B-2 visitor's visa.
4. The family received a call informing them that she was being detained by the Customs and Border Protection officers at the Dallas-Fort Worth International Airport (DFW Airport) as a result of President Trump's Executive Order, issued on January 27, 2017, entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States" [hereinafter "EO"].
5. [REDACTED] The family informed CBP that the traveler was suffering from diabetes and was required to use insulin, high blood pressure, sever kidney stones, and that both of her legs were swollen as a result of a medication she was taking for her kidney stones. She was assisted by the airport personnel off the flight by using a wheel chair. Moreover, she did not speak English.
6. I immediately drafted a request for her [REDACTED] release based on her medical conditions addressed to the CBP Port Director Cleatus Hunt, Jr., at the DFW Airport. I then made numerous attempts to send the request along with a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative (used by USCIS) to Director Hunt by using the facsimile number 972-870-7553 from the www.cbp.gov website, however unsuccessfully.
7. I then drove to and arrived at the DFW Airport at around 6:30 PM to hand-deliver the request for my client's release. The duty officer at the Arrivals area of Terminal D refused to accept the request documents, and refused to answer any questions about my

client's [REDACTED] condition or whereabouts despite me identifying myself to her as my client's attorney.

8. After repeated requests, the duty officer allowed me to speak to a Shift Supervisor who similarly provided me with no additional information, refused me to see my client, and assured me that she was cared for, and that she would be provided with any medical attention or medication.
9. During the time that I was at the DFW Airport, I learned that as many as nine (9) foreign nationals were being held at the CBP office. I also learned that a nationwide injunction was granted in *Darweesh v. Trump*, 17-cv-480, a case in the Eastern District of New York which resulted in a nationwide temporary stay of removals pursuant to the EO in the same case.
10. When I returned to the CBP office to speak to the Shift Supervisor, the doors were locked. There was no answer after my numerous attempts to loudly knock on the door.
11. I learned shortly thereafter from persons that were admitted into the U.S. that CBP was coercing my client as well as other detainees to withdraw their requests for admission. My client told her family that she was told by CBP that she would be deported from the U.S. and returned if she did not sign the withdrawal, and that she would be barred from entering the U.S. for a period of five years. My client, without knowing the legal ramifications of her actions, signed the presented document.
12. Her children and family relatives at the airport were devastated that they would not see their elderly, ailing mother, and that she would have to endure the more than 25+ hour trip back to Sudan. They were distraught because they did not receive any official update about her whereabouts and condition.

13. 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 17th day of April, 2017, in Dallas, TX.

A handwritten signature in black ink, appearing to read "M. Valko", with a stylized flourish at the end.

Martin Valko, Esq.

ATTACHMENT O

THE COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1351
(8:17-cv-00361-TDC)

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2

Plaintiffs - Appellees

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence

Defendants – Appellants

DECLARATION OF TAKAO YAMADA

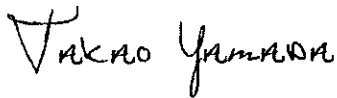
I, Takao Yamada, upon my personal knowledge, declare under threat of perjury as follows:

1. My name is Takao Yamada. I am an Attorney in Seattle, WA
2. Beginning On Saturday January 28, I was at Seattle Tacoma International Airport (“Seatac Airport”) as a volunteer attorney for the International Refugee Assistance Project. In that capacity, I worked to obtain access to individuals being denied entry, detained, or held for prolonged periods of time in secondary inspection as a result of the Executive Order.
3. Since January 28th, I have worked with other attorneys to coordinate the continuing response to immigration issues at the airport and have been present at Seatac Airport for over 15 days. I met with several family members from impacted countries who were waiting for their family members, including Lawful Permanent Residents and U.S. citizens of Iraqi, Iranian, Somali, Syrian, and Yemeni origin who were awaiting family members arriving at the airport. It was very difficult to assist them because we did not have and were unable to obtain good information about what was happening to their family members.

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4. In my role as coordinator, I have been the person responsible for contacting CBP on behalf of over 2 dozen families and friends of travelers who have been detained.
5. In that time, I have repeatedly struggled to receive clear information and have never been allowed to speak to a party detained by CBP.
6. I have also never been able to arrange communication between a detained traveler and their attorney, even after filing a valid G-28 notice of appearance.
7. On multiple occasions, I have received conflicting or inaccurate information from CBP regarding the status of a traveler.
8. On multiple occasions, I have seen families with small children detained in secondary inspection for 4 hours or more.

I, Takao Yamada, declare under the penalties and pains of perjury and under the laws of the United States that the foregoing is true and correct to the best of my knowledge.



Signature

April 18, 2017
Date