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I - DECLARATION OF STEVEN WILLIAM WASHBURN
In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
In Opposition to Defendants' Motion for Partial Summary Judgment

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2 - DECLARATION OF STEVEN WILLIAM WASHBURN
In Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and
In Opposition to Defendants' Motion for Partial Summary Judgment

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

Case No.: 10-cv-750 (BR)

AYMAN LATIF, *et al.*,

Plaintiffs,

v.

ERIC H. HOLDER, JR., *et al.*,

Defendants.

**DECLARATION OF STEVEN
WILLIAM WASHBURN IN
SUPPORT OF PLAINTIFFS'
CROSS-MOTION FOR PARTIAL
SUMMARY JUDGMENT AND IN
OPPOSITION TO DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

I, Steven Washburn, hereby declare and state as follows pursuant to 28 U.S.C. § 1746:

1. I submit this declaration based on my personal knowledge in support of Plaintiffs' cross-motion for partial summary judgment and in opposition to Defendants' motion for partial summary judgment in the above-captioned case.

2. I am a U.S. citizen and veteran of the U.S Air Force.

3. I was born and raised in Las Cruces, New Mexico.

4. In 2006, I married my wife, Fadila Al Ubeidi Hachimi, who is a citizen of Spain.

5. After my wife and I lived in New Mexico for several years, we decided to try living abroad. In 2008, we flew to Saudi Arabia, where I got a job working for a technology company. In 2009, we decided to move back to the United States. We flew

to Ireland first so that we could visit my wife's daughter and her family for several weeks on our way back to New Mexico.

6. Prior to February 5, 2010, I flew for years without any problems.

7. On February 5, 2010, I was denied boarding on a flight from Shannon Airport Ireland to Boston. An airline check-in agent told me that I am on the No Fly List.

8. I felt humiliated that everyone near me in the airport, including my wife, airline staff, and other passengers, saw that I was denied boarding and heard the airline employee tell me that I am on the No Fly List. I felt like I was being treated like a suspected terrorist. I felt that my reputation as a U.S. Air Force veteran, who had served his country proudly and honorably, was tarnished.

9. I was desperate to return to the United States. On February 12, 2010, I flew from Dublin to London, and tried to fly from London to Mexico City. Although I boarded the flight to Mexico City, approximately three and a half hours after take-off, the aircraft turned around and flew back to Heathrow International Airport. I was subsequently detained at Heathrow Airport.

10. Following these incidents, FBI agents interrogated me in London and Dublin on at least three separate occasions. The agents questioned me about my religious and political views, websites that I visited, and websites that I had not heard about.

11. I was eager to return to the United States to re-establish a life there. I also knew that my visa to stay in Ireland would run out soon.

12. I researched whether I could travel by boat from Ireland to the United States. I could not locate a ship sailing from Europe to the United States before September 2010.

4 - DECLARATION OF STEVEN WILLIAM WASHBURN
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13. I purchased a new set of airline tickets to try to fly from Dublin to Mexico without crossing U.S. airspace. I hoped to enter the United States by walking over the U.S.-Mexico border.

14. On May 22, 2010, I finally reached the United States by flying from Dublin to Frankfurt, Frankfurt to São Paulo, São Paulo to Lima, Lima to Mexico City, and Mexico City to Ciudad Juarez, and then crossing the U.S.-Mexico border by foot. At every point of the journey, I was afraid that I might be turned back. When I arrived in Mexico City, Mexican authorities detained and questioned me for more than three and a half hours.

15. I was happy to finally be home with my family in Las Cruces. I moved in with my parents and got a job at Home Depot. But, I missed my wife, who remained in Ireland because she lacked a visa for travel to the United States.

16. On June 20, 2010, I filed a form I-130 petition to start the process of securing an immigrant visa for my wife so that she could immigrate to the United States to be with me.

17. On March 16, 2012, I received correspondence from the U.S. Department of State informing me that my I-130 petition for my wife was denied. My wife and I were extremely distressed.

18. On or about June 25, 2012, an FBI agent visited me at my workplace. The agent told me that if I agreed to speak with the FBI, he could help remove my name from the No Fly List.

19. My wife remains in Ireland without a visa for travel to the United States.

20. Because I am on the No Fly List, I cannot travel from New Mexico to Ireland to be with my wife, and have been separated from her for more than two and a half years. We are both extremely distressed by our separation.

21. Because I am on the No Fly List, I cannot travel over land and by ship from New Mexico to Ireland. Such a journey would be prohibitively expensive. It would also jeopardize my job because even a one-way trip would take weeks, and I do not have sufficient leave time from work.

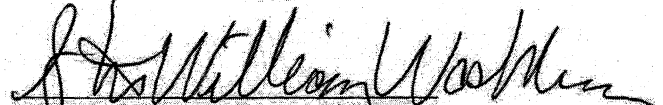
22. Because I am on the No Fly List, I cannot travel over land to Mexico or Canada and then fly to Ireland. I believe that direct flights from Mexico or Canada to Ireland cross U.S. airspace. I also fear that flying from Mexico or Canada to Ireland by passing through other countries will place me at risk of interrogation and detention by foreign authorities.

23. I have no idea why the government has put me on the No Fly List. I have never been charged, indicted, or convicted of a terrorism crime in a U.S. or foreign court. No government official has ever told me why I was denied boarding or why I would be included in the No Fly List. Because of this, I simply do not know how to explain that I should not be on the No Fly List, or what information I should provide in my defense.

24. I do not pose a threat to civil aviation or national security. I would be willing to undergo any suitable screening procedures in order to be permitted to board planes.

25. I declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on March 20, 2013


STEVEN WILLIAM WASHBURN

7 - DECLARATION OF STEVEN WILLIAM WASHBURN
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