

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNIVERSAL MUSLIM ASSOCIATION OF AMERICA, INC.; et al., )  
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 Plaintiffs, )  
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 v. )  
 )  
 DONALD J. TRUMP, President of the United States, et al., )  
 )  
 Defendants. )

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Case No. \_\_\_\_\_

**DECLARATION OF THE UNIVERSAL MUSLIM ASSOCIATION OF AMERICA, INC. IN SUPPORT OF THE PLAINTIFFS' MOTION FOR**

Pursuant to Title 28 U.S.C. Section 1746, I Azmat Husain, hereby declare and state as follows:

1. I am over the age of eighteen years. I have personal knowledge of the facts set forth herein or believe them to be true based on my experience or upon personal information provided to me by others, and am competent to testify thereto.

**Background Information for the Universal Muslim Association of America, Inc. (UMAA).**

2. I am the Program Director of the Universal Muslim Association of America, Inc. ("UMAA"). UMAA is a 501(c)(3) nonprofit corporation organized under the laws of the state of

Maryland. UMAA is a bipartisan organization and maintains no institutional political affiliation. I have been the President since 2008.

3. Because of my position as Program Director I know the history and background of UMAA as well as the organization's mission and purposes. I am also involved in the day-to-day operations of UMAA and am therefore familiar with the organization's current expenses, revenues, staff, and resources. I oversee programs and activities sponsored or arranged by UMAA and am involved either directly or indirectly with publications that UMAA releases or to which it otherwise contributes.

4. UMAA is the largest organization of Shi'a Muslims in the United States. UMAA's membership is comprised of Shi'a Muslims living in the U.S. UMAA is a national organization, and its members reside in several states. UMAA also maintains regional chapters throughout the country. While UMAA's regional chapters have the same name and mission, they are independent organizations that are not owned or controlled by the national organization. Although UMAA does not maintain a formal members list, it does maintain a list of e-mail subscribers to its newsletters which are sent approximately once or twice per week during most weeks. Currently, this list includes 17,269 subscribers.

5. As explained in more detail below, UMAA engages in and arranges many programs and events for its members and for American Shi'a Muslims. UMAA's events are usually arranged by its staff, which is located in Washington, D.C. UMAA employs two full-time staff members and has approximately three dozen volunteers.

#### Shia Islam

6. Shi'ism is the second largest denomination of Islam in the world, comprising around ten to fifteen percent of the global and American Muslim populations. Shi'a Muslims

believe in a hierarchical structure of religious clergy, with the most learned given the highest religious authority, transnationally. While Shi'a adherents can be found in many nations, they form the majority in Iran, Iraq, Azerbaijan and Bahrain and close to half of all Muslims in the Middle East. Shi'a Islam is distinct from other major religions in that nearly all of its highest-ranking scholars live in the nations of Iran, Iraq and Syria. These three nations are also where some of the holiest sites of Shi'i Islam are located, drawing millions of Shia Muslims from across the world annually, including from the US. In fact, the largest annual peaceful gathering on Earth occurs at Karbala, Iraq on the solemn Shia festival known as Arba'een, which drew a reported 22 million pilgrims on a single day in 2013.

#### **UMAA's Mission and Purpose**

7. UMAA aims to provide a platform for American Shia Muslims to advance political, social, economic and religious goals important to their community by providing a American Shia Muslims a forum to foster intra-faith unity, to participate in civic and political responsibilities, to dispel misgivings about Islam and Muslims, and to help fellow Americans better understand Islam through the Qu'ran and the teachings of Prophet Muhammad (SAW) and his Ahl al-Bayt (AS). UMAA also aims to give American Shi'as access to advanced levels of Islamic education by offering short, intensive courses on a variety of subjects presented by senior Islamic Seminary students and scholars, many of whom come from Iraq and Iran.

8. UMAA works to fulfill its mission and goals by arranging events for its members throughout the United States. UMAA's largest event is a national convention that is held once every year. UMAA has hosted a national convention each year since 2003. The 2003 convention was the first national-level program of its kind for the Shia-Muslim community and was attended by approximately 3,000 individuals. Subsequent annual conventions have been

held in various cities around the continent. These conventions allow for Muslims of all walks of life to discuss amongst each other and hear speakers present on a variety of subjects.

#### **UMAA's National Convention**

9. UMAA's annual national convention brings together American Shi'a Muslims for various intrafaith activities. In the months and weeks leading up to the national convention, each year UMAA heavily advertises the event on its website and by sending advertisements to its email subscribers. The 2016 National Convention had between 3,500 and 4,000 attendees.

10. Among the programs at the 2016 national convention and previous years' national conventions are speaking events where attendees gather to listen to lectures, readings, prayers, sermons, or other speeches delivered by Shi'a scholars. These speaking events are among the most popular programs at each national convention. When UMAA promoted the 2016 national convention and previous years' conventions, it included among its advertising materials the names of speakers that would be speaking at the convention.

11. UMAA's 2017 national convention is scheduled for June 30 through July 3 and will take place in Bethesda, Maryland, at the Bethesda North Marriott Hotel and Conference Center.

#### **UMAA Arranges for Iranian and Iraqi Shi'a Scholars to Visit the United States to Speak at Its Events**

12. UMAA frequently arranges for foreign scholars to attend and speak at its national convention and other events throughout the year. As explained above, nearly all of Shi'a Islam's most learned scholars are concentrated in the nations of Iran and Iraq. Accordingly, many of the scholars UMAA has invited to the United States and many of the scholars UMAA seeks to invite to the United States in the future are Iranian and Iraqi nationals.

13. UMAA's 2016 national convention included approximately 30 speakers, three or four whom were invited to the United States from Iraq. When UMAA invites foreign speakers to its conventions or its other events, UMAA will contact the potential speaker and attempt to arrange for him or her to attend. Ordinarily UMAA will secure and pay for the speaker's travel to the United States and their lodging while they attend the event. The speaker will ordinarily be responsible for completing their own visa application to travel to the United States, although UMAA has served as an institutional sponsor for some of its speakers' visa applications.

**UMAA Invited An Iranian Speaker to the United States for an Event on February 4, 2017, but the Speaker Was Prevented From Traveling to the U.S. Due to Executive Order 13769.**

14. On April 20, 2016, UMAA invited Basem Nameliti, a Shi'a reciter and an Iranian national, to the United States to attend and speak at an event on February 4, 2017 in Dearborn Michigan. Mr. Nameliti uses the professional name Basim Karbalaei (hereinafter "Karbalaei" or "Mr. Karbalaei"). The event was planned for February 4th in order to commemorate the birthday of the Prophet Mohammad's granddaughter. On the same day he was invited, April 20, 2016, Mr. Karbalaei accepted the invitation verbally and submitted an application for a nonimmigrant visa to travel to the United States.

15. Mr. Karbalaei is renowned among Shi'a Muslims as a reciter of Arabic poetry and the event attracted considerable attention among UMAA's members. UMAA advertised heavily for the event, sending several emails to its members. As the event drew closer, UMAA sent daily emails in the form of a "countdown," with each email reminding members how many days remained until the event. UMAA sold approximately 2,200 tickets for the event. Each ticket was sold for \$30.00.

16. Mr. Karbalaei's visa was granted, but was set to expire in early March of 2017.

17. After President Trump issued Executive Order 13769 on January 27, 2017, Mr. Karbalaei informed UMAA that he could not attend the February 4th event because his airline informed him he was not permitted to travel to the United States.

18. Because Mr. Karbalaei was the February 4th event's featured speaker, UMAA informed its members who had purchased tickets that Mr. Karbalaei would no longer be attending and that the event was canceled. UMAA further informed its members that in place of the event featuring Mr. Karbalaei, it would be holding a "No Ban, No Wall" Rally to protest in solidarity against the President's Executive Order. UMAA gave people who purchased tickets for the event with Mr. Karbalaei the option to donate the money or to request a refund. While some elected to donate the money they paid for their tickets, many ticketholders requested refunds, which UMAA paid at a cost of around \$15,000.

19. Because Mr. Karbalaei is extremely well-known among Shi'a Muslims, many of UMAA's members were disappointed and upset that they could not hear and see him speak at the February 4th event.

**The President's Subsequent Executive Order, 13780, Effectively Prevents UMAA From Securing Speakers for Its Upcoming 2017 National Convention on June 30 through July 3.**

20. UMAA arranged for its 2017 National Convention to be held in Bethesda, Maryland from June 30-July 3. As with the 2016 convention, UMAA expects that thousands of its members will be interested in attending the 2017 convention. Also, as it has done for the 2016 and previous conventions, UMAA wishes to invite and secure several Shi'a scholars to attend and speak at the event. UMAA plans to promote the 2017 convention, in part, by advertising the speakers who will be attending. As with previous years' conventions, UMAA expects that the speakers slated to attend the event will be one of the 2017 convention's most important attractions and selling points.

21. The President's subsequent Executive Order, Number 13780, makes it effectively impossible for UMAA to secure Iraqi or Iranian speakers for the 2017 convention. Executive Order 13780 restricts issuance of new U.S. visas to Iranian nationals, unless the applicant can show that they qualify for a waiver. The order also subjects issuance of U.S. visas to Iraqi nationals to heightened scrutiny. Because of these barriers to entry by Iranian and Iraqi nationals, UMAA cannot know whether a given speaker would be able to attend the convention when it invites him or her. These barriers place UMAA in the position of having to invite Iraqi and Iranian speakers and wait for the State department to either grant or deny the waiver (in the case of Iranians) or to complete its heightened vetting procedures (in the case of Iraqis). Having to go through this process causes three problems for UMAA as an organization.

22. First, it is unable to secure certain Iranian or Iraqi speakers for the event, because the speakers themselves would not know whether they would be permitted to enter the country when they accept the offer to speak at the convention.

23. Second, even where some Iranian or Iraqi speakers are willing to accept an offer to speak at the convention that is contingent upon being permitted into the U.S., UMAA must secure and pay for their travel and lodging expenses in advance, and must therefore incur these expenses without any certainty as to whether the speaker will actually be admitted to the U.S. And third, UMAA faces difficulty in, and incurs additional expenses in, advertising for the convention. Because UMAA must wait for each individual Iranian or Iraqi speaker to be individually permitted entry to the country under the heightened requirements of the order, it cannot advertise that a given speaker will be attending until that speaker is finally approved by consular officials. UMAA also cannot advertise as far in advance for the event as it would prefer, because if it advertises that a speaker will be attending and the speaker is denied entry,

then members who purchased tickets in hopes of seeing that speaker will be disappointed and may ultimately seek a refund.

24. The foregoing logistical and monetary problems resulting from the executive order have resulted in UMAA having to divert resources, labor, and time from its other operations to additional efforts to secure speakers for the 2017 convention.

25. For example, after Executive Order 13769 was preliminarily enjoined by the U.S. District Court for the Western District of Washington and the U.S. Court of Appeals for the Ninth Circuit declined the Justice Department's motion to stay the district court's injunction, UMAA planned to invite Mr. Karbalaei to the 2017 convention. Many of UMAA's members had wanted to see Karbalaei speak at the canceled February 4th event, and UMAA determined that he would be an ideal speaker for the convention. The President's subsequent Executive Order, 13780, again restricts Mr. Karbalaei from entering the United States. UMAA therefore cannot advertise that the event will include Karbalaei as a speaker because it cannot know whether he will be granted a waiver. Moreover, UMAA incurs additional costs because it must wait to arrange for Karbalaei's travel and lodging for the convention because it does not yet know whether Karbalaei will be admitted to the United States. Finally, UMAA must divert resources, labor, and time of its staff members in order to secure alternate speakers in the event that Mr. Karbalaei is denied a waiver.

**UMAA's Members Are Disappointed, Hurt, and Upset That This Year's  
Convention May Not Include Iraqi or Iranian Speakers**

26. As explained above, Shi'a Islam's most respected and learned scholars come from Iraq or Iran. Many of UMAA's members look forward to listening to these scholars and receiving their teachings at UMAA's national conventions. UMAA and its members are accordingly disappointed, hurt, and upset that some, all, or any of these scholars may not be



permitted to enter the United States to come to the convention. UMAA and its members are particularly concerned that Executive Order 13780 does not include an express waiver provision for religious travelers, such Shi'a scholars seeking to visit the U.S. to speak at UMAA's convention.

27. Moreover, because Shi'a Islam's clerical hierarchy is so heavily concentrated in Iraq and Iran, UMAA and its members are hurt and upset because Executive Order 13780 effectively cuts them off from the important clerics of their faith.

**Executive Order 13780 Separates UMAA's Members From Their Families**

28. In addition to effectively cutting off UMAA's members from important religious figures, Executive Order 13780 separates many of them from their relatives. For example, many of UMAA's members are U.S. citizens or nationals, but have family living abroad in Iraq and Iran. Many of these members have pending petitions or will petition for their family members to obtain immigrant visas to travel to the U.S. The Executive Order prevents these individuals from being able to bring their family members to visit or live in the U.S. Alternatively, some of UMAA's members are nationals of Iran and Iraq but live in the U.S. with single-entry visas. The Executive Order prevents these individuals from leaving the U.S. to visit family in Iran, because they will be unable to return to the U.S.

29. Even though UMAA's members could seek case-by-case waivers under the Executive Order, doing so would require that they demonstrate that they are "in the national interest." UMAA and many of its members feel that this requirement is hurtful and stigmatizing because it tells the Iranian American community that some Iranians are simply *not* in the U.S.'s national interest and that the U.S. does not want them here. UMAA and its members also feel that the Executive Order imposes an additional hurdle upon them and their families that is not

required for others seeking to travel to the U.S. UMAA and its members feel not only singled out for disfavored treatment as a result of the Executive Order, but they also feel that they are being branded with a stigma by the law. As a result, many of UMAA's members fear that they will be the targets of hate, fear, or even violence within their communities.

30. As explained above, UMAA aims to be a resource for American Shi'a Muslims, their families, and their communities. UMAA also aims to dispel stereotypes and misinformation about Islam in the U.S. Accordingly, the harms, fears, and stigmas experienced by UMAA's members are acutely related and germane to UMAA's organizational mission. UMAA, as an organization, has concluded that it is able to advocate on behalf of itself *and* its members because doing so would directly support its own organizational interests.

31. Many of UMAA's members are afraid of what will happen to themselves and their families. Many are afraid to speak publicly for fear of retribution from the government or hate groups. They fear that they will be separated from their loved ones and they fear that the President and the government are targeting their families because of their religious beliefs. In addition to obtaining relief for itself, UMAA brings this case in order to obtain relief for these deeply affected individuals.

Azmat Husain

I, ~~Syed E. Abidi~~, declare under penalty of perjury that the foregoing is true and correct.

Executed this 22 day of March, 2017, in Washington D.C.



~~Syed E. Abidi~~ Azmat Husain  
~~President~~ Director  
Universal Muslim  
Association of America, Inc.