

EXHIBIT D



United States Department of State

Washington, D.C. 20520

January 15, 2016

Hoda Ahmed Muthana
133 Pine Rock Lane
Hoover, Alabama 35226

Dear Ms. Muthana:

The State Department hereby informs you that it has revoked U.S. passport number 512747996, issued to you in error on February 21, 2014, along with any other U.S. passports issued to you. This action is taken in accordance with the provisions of Section 51.62(a)(2) of Title 22 of the U.S. Code of Federal Regulations, which provide that a U.S. passport may be revoked when it has been determined that the passport was obtained illegally, fraudulently or erroneously.

Department records indicate that you were issued two U.S. passports based on your October 28, 1994 birth in Hackensack, New Jersey. Your first passport was issued on January 24, 2005, based on your claim of birth in the U.S. Your second passport was issued on February 21, 2014, based on your previously issued passport.

According to Department records, your father, Ahmed Ali Muthana, was assigned to the Permanent Mission of the Republic of Yemen to the United Nations in the United States as a First Secretary on October 15, 1990. During his tenure as a First Secretary at the Permanent Mission of the Republic of Yemen to the United Nations your father and family members forming a part of his household, including you, were accorded full diplomatic immunity pursuant to the U.N. Headquarters Agreement until the official notification date of his termination.

The Fourteenth Amendment to the Constitution of the United States, as codified in pertinent part at Section 301(a) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. § 1401(a), provides that persons born in the United States, **and subject to the jurisdiction thereof**, (emphasis added) are U.S. citizens at birth.

It is a long established principle of law that accredited foreign diplomatic agents and specified other officials of a foreign country enjoy full diplomatic privileges and immunities in the United States and are therefore not "subject to the jurisdiction" of the United States. Family members who form part of the household of these foreign officials, including their children, generally enjoy a similar status. A child born in the United States with full diplomatic privileges and immunities is born not subject to the jurisdiction of the United States and therefore does not acquire U.S. citizenship at birth under the Fourteenth Amendment and Section 301(a) of the Immigration and Nationality Act.

Your father's termination date was September 1, 1994. However, the U.S. Permanent Mission to the United Nations, Host Country Affairs Section was not officially notified of his termination from this position until February 6, 1995. Therefore, your father remained in diplomatic status

when you were born on October 28, 1994. As such, you were born not subject to the jurisdiction of the United States and did not acquire U.S. citizenship at birth pursuant to the Fourteenth Amendment to the Constitution, as codified in pertinent part at Immigration and Nationality Act § 301(a), 8 U.S.C. § 1401(a). Therefore there is no evidence that you acquired U.S. citizenship at birth, and are not entitled to a U.S. passport. Passport number 512747996 is revoked and is no longer valid.

In accordance with 22 C.F.R. §§ 51.7 and 51.66, the U.S. passport remains the property of the U.S. Government, and must be surrendered upon demand. You are requested to immediately surrender all U.S. passports and passport cards in your possession to our office at the following address:

ATTN: Revocations Officer
U.S. Department of State
CAPPT/S/L/LA
44132 Mercur Circle
P.O. Box 1227
Sterling, VA 20166-1227

Please note that any further use of a U.S. passport is a violation of Section 1544 of Title 18 of the U.S. Code, which is a felony.

You have a right to a hearing under Sections 51.70 through 51.74 of Title 22 of the U.S. Code of Federal Regulations, a copy of which is enclosed. This hearing would address the evidence presented upon which the passport was issued. Should you desire such a hearing, you must notify this office in writing within 60 days of receipt of this notice. A request for a hearing does not serve to stay the revocation action taken by the Department of State.

You may also reapply for a U.S. passport should you obtain additional evidence establishing a claim to U.S. citizenship.

Sincerely,

Bureau of Consular Affairs
Passport Services
Office of Legal Affairs and
Law Enforcement Liaison