

DECLARATION OF
RABYAAH
ALTHAIBANI

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON and
STATE OF MINNESOTA,

Plaintiffs,

v.

CIVIL ACTION NO. 2:17-cv-00141-JLR

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; JOHN F.
KELLY, in his official capacity as
Secretary of the Department of
Homeland Security; REX W.
TILLERSON, in his official capacity
as Acting Secretary of State; and the
UNITED STATES OF AMERICA,

Defendants.

Pursuant to 28 U.S.C. § 1746(2), I, Rabyaah Althaibani, hereby declare as follows:

1. I am a New York City resident, a United States (“U.S.”) citizen, and a Yemeni-American.

I have personal knowledge of the facts set forth in this declaration, and I am competent to testify about them.

2. I immigrated with my family to the U.S. from Yemen in 1985. We joined my extended family in New York City, as they were part of one of the first waves of Yemeni immigrants to New York City in the 1960s.

3. I currently work as a Program Associate at the Center for New York City Neighborhoods.

4. The Executive Order issued on January 27, 2017, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States,” created a great deal of uncertainty and anxiety for me as to my husband’s visa application to the U.S., and the new Order issued on March 6,

1 2017, did not resolve any of this uncertainty. Additionally, as a prominent Yemeni-American
2 advocate, and organizer of the “Yemeni Bodega Strike,” I know many members of the Yemeni-
3 American community who are facing similar uncertainty as to the re-unification of their families
4 and their ability to travel outside the U.S.

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6 5. I met my husband, a Yemeni national, in 2010 around the time of the Arab Spring in Yemen.
7 At the time, he was an independent journalist and executive director of the Yemeni Institute for
8 Social Studies. In that position, he ran research programs, some of which were funded by U.S.
9 based think tanks, on issues such as women’s rights and empowerment.

10
11 6. We were engaged in 2015, just as the war in Yemen was worsening. While I was in the
12 U.S., my husband had to flee Yemen out of fear for his life. Due to the dire situation he had to
13 travel by boat to Djibouti, before re-locating to Goa, India.

14
15 7. We were married in India in January 2016. Shortly thereafter I filed an I-130 (Petition for
16 Alien Relative), for my husband to join me in the U.S. He moved to Kuala Lumpur, Malaysia
17 in August 2016, because Malaysia was accepting visas from Yemeni-nationals fleeing the war.

18
19 8. On November 18, 2016, I was granted an interview on the petition with the United States
20 Citizenship and Immigration Services (“USCIS”). At the interview, I was told that his petition
21 was approved, and that I would receive a letter from the National Visa Center within four to six
22 weeks instructing us on how to proceed.

23
24 9. I received a letter from the National Visa Center on January 6, 2017, which contained
25 instructions about filing fees for the petition and information about what documents to gather
26 for his interview at the embassy in Kuala Lumpur.

1 10. We paid the filing fees on January 19, 2017, and I was in the process of compiling all of the
2 relevant paper work when the Executive Order entitled “Protecting the Nation from Foreign
3 Terrorist Entry into the United States,” (“The Executive Order”) was issued on January 27,
4 2017.

5
6 11. After January 27, 2017, there was no news on my husband’s visa application, and I was
7 devastated. Then, after the Washington District Court’s Stay was put in place, I received a letter
8 from the National Visa Center, stating that as of February 3, 2017, they had received all of the
9 paperwork, and that they were going to send the information to the U.S. embassy in Kuala
10 Lumpur to set up an interview. We were given a priority date of April 4, 2017, but have not
11 heard anything since.

12
13 12. I received that letter before the issuance of the new version of the Executive Order on March
14 6, 2017. The new Executive Order still contains a 90-day ban on Yemeni nationals entering the
15 U.S., and therefore, there is no guarantee that his visa application will continue to be processed.
16 If there were no ban – to my understanding, his application would at least continue to be
17 processed. I do not have that assurance here.

18
19 13. Knowing that under the new Executive Order, the default rule is that his visa application
20 will not be processed, and that it is solely because he comes from Yemen, a war torn country
21 that happens to be predominantly Muslim, is terrifying.

22
23 14. Our separation has propelled me into a constant state of uncertainty with regard to our
24 family and our future. Everything from family-planning to buying a house is on hold, and I am
25 under immense pressure both financially and mentally, since our future truly depends on his
26 ability to get a visa to the U.S.

1 15. My husband was a well-known and respected journalist in Yemen who reported on the
2 growth of extremist ideologies in Yemen. He did this coming from the perspective that
3 uncovering the reality of these ideologies would disarm terrorists. Seeing the country, he grew
4 up in turn into a state of chaos – he did not shy away from helping others by staying committed
5 to uncovering the truth. What is hard to understand is how someone like him could potentially
6 be barred from entering the U.S. solely because he is from Yemen, a country that is majority
7 Muslim.
8

9 16. At the same time, as a prominent advocate on behalf of the Yemeni-American community
10 in New York, I have been in a state of crisis management. I have received calls from many
11 Yemeni-American community members, who are terrified that they will not be re-united with
12 family members fleeing war.
13

14 17. My involvement with the Yemeni-American community in the days after the Executive
15 Order was issued, led me to be one of the primary organizers of the “Yemeni Bodega Strike,”
16 also known as “The Bodega Protest.”
17

18 18. The protest was organized in direct response to the Executive Order, as many Yemeni-
19 Americans who own “bodegas,” small convenient stores throughout New York City, and other
20 similar businesses were directly impacted by the 90-day ban on Yemeni-nationals entering the
21 U.S. Many of these business owners came to the U.S. to seek a better life and provide for their
22 families, and were now unsure they could ever be re-united with their families in the U.S.
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24 19. The protest occurred in Brooklyn, New York on February 2, 2016 – six days after the
25 issuance of the Executive Order.
26

1 20. To underline the importance of Yemeni-owned businesses to New York City's economy
2 and culture, over 1,500 Yemeni-owned bodegas closed shop for eight hours while they attended
3 the protest.

4 21. Ultimately, approximately 2,000 New Yorkers of all backgrounds peacefully protested
5 outside courthouses in Brooklyn, New York. It was an incredible event that brought together
6 many communities, and even facilitated meaningful interfaith coalitions. It was a true example
7 of the spirit of New York, and the U.S.

8 22. The revised Executive Order issued on March 6, 2017, still contains the baseline rule is
9 that there is still a 90-day ban on Yemeni-nationals entering the U.S. Many members in the
10 Yemeni-American community in New York, are still living in fear of not being able to travel
11 outside the U.S., and are grappling with the reality that our families may never be re-united in
12 the U.S.

13 I declare under penalty of perjury that the foregoing is true and correct.
14

15 Executed on this 10 day of March, 2017

16 /s/ *Rabyaah A.*
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18 _____
19 [Typed Name Below Signature]