

SECOND
DECLARATION OF
RABYAAH
ALTHAIBANI

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

STATE OF WASHINGTON; STATE OF CALIFORNIA; STATE OF MARYLAND; COMMONWEALTH OF MASSACHUSETTS; STATE OF NEW YORK; and STATE OF OREGON,

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

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; ELAINE C. DUKE, in her official capacity as Acting Secretary of the Department of Homeland Security; REX TILLERSON, in his official capacity as 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

1 Foreign Terrorist Entry into the United States,” created a great deal of uncertainty and anxiety
2 for me as to my husband’s visa application to the U.S. The new Proclamation issued on
3 September 24, 2017, which imposes an indefinite ban on travel to the U.S. for many Yemeni
4 nationals has exacerbated this uncertainty. Additionally, as a prominent Yemeni-American
5 advocate, and organizer of the “Yemeni Bodega Strike,” I know many members of the Yemeni-
6 American community who are facing similar uncertainty as to the re-unification of their families
7 and their ability to travel outside the U.S.
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9 5. I met my husband, a Yemeni national, in 2010 around the time of the Arab Spring in Yemen.
10 At the time, he was an independent journalist and executive director of the Yemeni Institute for
11 Social Studies. In that position, he ran research programs, some of which were funded by U.S.
12 based think tanks, on issues such as women’s rights and empowerment.
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14 6. We were engaged in 2015, just as the war in Yemen was worsening. While I was in the
15 U.S., my husband had to flee Yemen out of fear for his life. Due to the dire situation he had to
16 travel by boat to Djibouti, before re-locating to Goa, India.

17 7. We were married in India in January 2016. Shortly thereafter I filed an I-130 (Petition for
18 Alien Relative), for my husband to join me in the U.S. He moved to Kuala Lumpur, Malaysia
19 in August 2016, because Malaysia was accepting visas from Yemeni-nationals fleeing the war.
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21 8. On November 18, 2016, I was granted an interview on the petition with the United States
22 Citizenship and Immigration Services (“USCIS”). At the interview, I was told that his petition
23 was approved, and that I would receive a letter from the National Visa Center within four to six
24 weeks instructing us on how to proceed.
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1 9. I received a letter from the National Visa Center on January 6, 2017, which contained
2 instructions about filing fees for the petition and information about what documents to gather
3 for his interview at the embassy in Kuala Lumpur.

4 10. We paid the filing fees on January 19, 2017, and I was in the process of compiling all of the
5 relevant paper work when the Executive Order entitled “Protecting the Nation from Foreign
6 Terrorist Entry into the United States,” (“The Executive Order”) was issued on January 27,
7 2017.

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

14 12. If there were no ban – to my understanding, his application would at least continue to be
15 processed. I do not have that assurance here.

16 13. Our separation has propelled me into a constant state of uncertainty with regard to our
17 family and our future. I am thirty-nine years old and everything from family-planning to buying
18 a house is on hold. I am under immense pressure financially, physically and mentally, since
19 our future truly depends on his ability to get a visa to the U.S.

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

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

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

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15 17. The protest was organized in direct response to the first Executive Order, as many Yemeni-
16 Americans who own “bodegas,” small convenient stores throughout New York City, and other
17 similar businesses were directly impacted by the 90-day ban on Yemeni-nationals entering the
18 U.S. Many of these business owners came to the U.S. to seek a better life and provide for their
19 families, and were now unsure they could ever be re-united with their families in the U.S.

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21 18. The protest occurred in Brooklyn, New York on February 2, 2016 – six days after the
22 issuance of the first Executive Order.

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24 19. To underline the importance of Yemeni-owned businesses to New York City’s economy
25 and culture, over 1,500 Yemeni-owned bodegas closed shop for eight hours while they attended
26 the protest.

