

**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,

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.

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

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

1. I am a graduate of Harvard University's economics PhD program and received my B.A. in applied mathematics and economics from the University of California, Berkeley. My teaching and research fields are labor economics, political economy, development economics, and public finance.
2. At Harvard, I was an affiliate of the Weatherhead Center for International Affairs, the largest international science center within Harvard's Faculty of Arts and Sciences. I was also

1 affiliated with the Institute for Quantitative Social Science, Harvard's largest social science
2 research center.

3 3. I am currently working as a data scientist at Airbnb.

4 4. I have personal knowledge of the facts set forth in this declaration, and I am competent to
5 testify about them.
6

7 5. I am one of the founding members of the Immigrant Doctors Project, as well as one of its
8 researchers. The Project consists of ten economists and doctoral candidates in economics at
9 Harvard, the Massachusetts Institute of Technology, and the University of Chicago.

10 6. The Immigrant Doctors Project ("IDP") was formed in February of 2017 to analyze the
11 impact of the President's Executive Orders on the provision of health care in the United
12 States.
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14 7. I have reviewed the Proclamation titled "Enhancing Vetting Capabilities and Processes for
15 Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety
16 Threats," issued by the President on September 24, 2017 (hereinafter, "the Third Executive
17 Order"). I am aware that the Third Executive Order purports to bar entry into this country
18 by nationals from Syria and North Korea, and restricts the issuance of certain visas to
19 nationals of Chad, Libya, Iran, and Yemen (collectively, "designated countries").
20

21 8. IDP's work shows that the Third Executive Order is likely to hurt the health of millions of
22 Americans—including New Yorkers—who rely on physicians trained in the affected
23 countries.

24 9. The data underlying our results comes from Doximity, an online networking site for doctors.
25 Doximity assembles data from a variety of sources, including the American Board of
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1 Medical Specialties, specialty societies, state licensing boards, and collaborating hospitals
2 and medical schools. Doximity data has been verified as being highly reliable and has been
3 used in research published in leading peer-reviewed journals, such as the Journal of the
4 American Medical Association.¹

5
6 10. The Doximity data also is comprehensive, covering 1,005,419 physicians—virtually all
7 practicing physicians in the United States. (Every doctor assigned a National Provider
8 Identifier by the Centers for Medicare and Medicaid Services is included.)

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10 11. To evaluate the impact of the Third Executive Order, IDP restricts its analysis to the subset
11 of observations in the Doximity data with both current zip code and country of medical
12 school information, leaving us with a final sample of 827,522 doctors.

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14 12. Doctors are classified as immigrants from one of the countries designated in the Third
15 Executive Order based on the country in which they attended medical school. Although this
16 is not a perfect measure of national origin, it is a useful—and even conservative—estimate
17 for the total number of affected doctors.

18
19 13. We count approximately 7,000 doctors presently working in America who attended medical
20 school in one of the designated countries. There are two important reasons why this count
21 likely understates the total number of affected doctors. First, the Doximity data covers
22 1,005,419 physicians, but we restrict our analysis to the 827,522 physicians with both
23 current zip code and country of medical school information. We do not adjust for the fact
24 that 18% of doctors in the United States are excluded from our analysis. Second, we do

25 ¹ See, e.g., Anumpam B. Jena, M.D., Ph.D. et al., *Sex Differences in Academic Rank in US Medical Schools*
26 *in 2014*, Journal of the Am. Med. Ass'n, 314(11):1149-1158 (Sept. 15, 2015).

1 not count citizens of designated countries who did their medical training in the United
2 States or in other non-designated countries.

3 14. While there may be some doctors who will be incorrectly included in our counts—for
4 example, doctors who attended medical school in the designated countries, moved to the
5 United States, and became naturalized U.S. citizens—the number of doctors who are
6 among the 18% excluded from our sample or who trained in the United States likely
7 exceeds the number incorrectly included in our count. We therefore believe that 7,000
8 doctors is a conservative estimate of the total number of doctors directly affected by the
9 Second Executive Order.
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11 15. Doximity contains data on the address of a doctor's practice. We group doctors based on
12 the commuting zone of their practice address. Commuting zones are groups of adjacent
13 counties that have close economic ties; for instance, seven counties in the eastern part of
14 Massachusetts make up the Boston commuting zone.
15

16 16. To estimate the number of appointments provided to patients each year by doctors from the
17 designated countries, we multiply the number of doctors by 2,000. This estimate is based
18 on research by Hannah Neprash, who finds that an average doctor serves just over 40
19 appointments per week (40 appointments/week x 50 weeks worked = 2,000
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1 appointments/year).² Estimates from other sources, such as the 2016 Survey of America's
2 Physicians, generate similar estimates.³

3 17. We characterize commuting zones as having a shortage of doctors if the population of the
4 commuting zone is more than 3,500 times the number of doctors with an internal medicine
5 specialty in the commuting zone. This definition corresponds closely with one of the main
6 criteria used in the federal Health Professional Shortage Area (HPSA) designation: whether
7 the ratio of the population to primary care providers exceeds 3,500. Population information
8 is obtained from the 2015 American Community Survey, conducted by the U.S. Census
9 Bureau.
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11 18. In New York State, approximately 500 doctors trained in the designated countries, including
12 200 from Syria alone, offer 1.1 million medical appointments each year. In New York City,
13 there are about 300 doctors who trained in the designated countries; they offer about
14 600,000 appointments each year.
15

16 19. There are 741 commuting zones in the United States. Three of New York's commuting
17 zones—Syracuse, Poughkeepsie, and Buffalo—are among the top 20 commuting zones in
18 terms of the percentage of doctors who trained in the designated countries: the number of
19 doctors trained in the designated countries is above average compared to the rest of the
20 country:
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23 ² See Hannah T. Neprash, *Better Late than Never? Physician Response to Schedule Disruptions* (Nov.
24 15, 2016), available at http://scholar.harvard.edu/files/hannahneprash/files/neprash_jmp_november2016.pdf.

25 ³ See The Physicians Foundation, *2016 Survey of America's Physicians: Practice Patterns &*
26 *Perspectives* (Sept. 2016), available at http://www.physiciansfoundation.org/uploads/default/Biennial_Physician_Survey_2016.pdf.

- a. In Buffalo, doctors trained in the designated countries offer about 120,000 appointments each year.
- b. In Syracuse, doctors who trained in the designated countries offer about 60,000 appointments each year.
- c. In Poughkeepsie, doctors trained in the designated countries offer about 60,000 appointments each year.

20. Even smaller commuting zones are affected by the Third Executive Order. For example, the city of Olean in Cattaraugus County in western New York is a medically underserved commuting zone. Although it has less than ten physicians from the designated countries, it stands to lose as many as 20,000 appointments each year.

21. In a rural and medically underserved area like Olean, the shortage of doctors can have a devastating impact on the health of residents. Cardiology and neurology are two of the three specialties with the highest share of doctors from the designated countries. Proximity to cardiologists and neurologists is critical to the survival and recovery of patients suffering from heart attacks and strokes. In these cases, there is a short window—the so-called “golden hour”—during which immediate treatment can prevent permanent damage to the heart or brain. Longer drives to the nearest specialist mean higher rates of permanent

1 disability and death.⁴ Beyond emergency situations, long distances can prevent patients
2 from seeking routine, but essential care.⁵
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4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on this 11th day of October, 2017
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7 /s/
8 Mitra Akhtari
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21 ⁴ A 2002 survey found that increased distances from medical care in rural areas contributed to higher
22 fatalities from car accidents. See U.S. Dep't of Agriculture, *Health Care Status and Health Care Access of Farm*
23 *and Rural Populations* 31 (Aug. 2009),
https://www.ers.usda.gov/webdocs/publications/44424/9371_eib57_1_.pdf?v=41136 (footnote omitted).

24 ⁵ See, e.g., William F. Rayburn M.D. et al., *Drive Times to Hospitals with Perinatal Care in the United*
25 *States*, *Obstetrics & Gynecology*, 119(3):611-616 (March 2012) (evaluating driving times to hospitals offering
26 perinatal services in the United States); Laura-Mae Baldwin, M.D. MPH et al., *Low Birth Weight Rates in the*
Rural United States, 2005, Rural Health Research Center, Univ. of Wash. (Oct. 2013),
http://depts.washington.edu/uwrhrc/uploads/RHRC_PB138_Baldwin.pdf (explaining that barriers to low-birth
weight prevention include insufficient provider supply and longer distances to provider offices).

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as Secretary of State; and the UNITED
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Defendants.

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

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.
8

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.
13

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.

20 8. On November 18, 2016, I was granted an interview on the petition with the United States
21 Citizenship and Immigration Services (“USCIS”). At the interview, I was told that his petition
22 was approved, and that I would receive a letter from the National Visa Center within four to six
23 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.

5
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.

10
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.”

14
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.

20
21 18. The protest occurred in Brooklyn, New York on February 2, 2016 – six days after the
22 issuance of the first Executive Order.

23
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.

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

5
6 21. The new Executive Proclamation issued on September 24, 2017, still contains the baseline
7 rule that bans many Yemeni nationals from obtaining visas to visit the U.S. Many members in
8 the Yemeni-American community in New York, are still living in fear of not being able to travel
9 outside the U.S., and are grappling with the reality that our families may never be re-united in
10 the U.S.

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

14 Executed on this 11th day of October, 2017

15
16 /s/
17 Rabyaah Althaibani

**UNITED STATES DISTRICT COURT
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STATE OF WASHINGTON; STATE
OF CALIFORNIA; STATE OF
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DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
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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.

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

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

1. I am a resident of New York, and I have Iranian citizenship.
2. I am a third-year computer science PhD student at New York University and am scheduled to graduate in 2021.
3. I specialize in Computational Geometry. My research helps large companies in the technology industry, such as Google. I completed an internship at Google this past summer.

- 1 4. I had a multiple entry visa that expired in August 2017. Although I have a student visa,
2 I am afraid that if the Proclamation issued on September 24, 2017, remains in effect, I
3 will be unable to return to the United States to complete my education if I depart.
4
- 5 5. The issuance of the travel ban Executive Orders has had a negative impact on my
6 studies as well as on my personal life. For instance, the Executive Orders have limited
7 my ability to travel for academic reasons. I need to be able to travel internationally in
8 order to complete my research in the narrow field of computational geometry.
- 9 6. Prior to the travel ban announced in the Proclamation, I planned on traveling to
10 Brussels in January 2018 to attend a research group spearheaded by my advisor, who
11 recently moved there. I have placed these plans on hold due to concern that I will not be
12 allowed to return to the United States once I leave. As a result, I will miss obtaining
13 critical feedback on my research from my advisor, as well as opportunities to
14 collaborate with other researchers in my field.
- 15
16 7. The travel ban Executive Orders have also limited my ability to travel for personal
17 reasons. My mother, father, and five siblings live in Iran. Because of the travel ban
18 announced in September 2017, I am not sure when I will see my family again. My
19 husband, who is also a citizen of Iran, is a computer science PhD student at Stony
20 Brook University. His father passed away so he frequently has to visit his mother in
21 Iran, who now lives alone. The travel ban impacting Iranian nationals prevents my
22 husband from going to Iran to visit his mother. If my husband cannot visit his mother,
23 we both may have to quit our PhD programs and return to Iran.
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1 8. Moreover, the travel ban Executive Orders have limited my opportunities for post-
2 graduation employment. Even though remaining in the United States post-graduation
3 would increase my opportunities for employment, the Executive Orders have caused me
4 to reconsider whether staying in the United States would be the best choice for me.
5 Because of these Orders, I remain uncertain about when I will be able to see my family
6 again and whether I will be able to travel as required to further my education. This has
7 placed a substantial emotional burden on me and my family.
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10 I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true
11 and correct.
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14 Executed on this 11th day of October, 2017

15 /s/
16 Khadijeh Sheikhan
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**UNITED STATES DISTRICT COURT
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STATE OF WASHINGTON and
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DONALD TRUMP, in his official
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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 Vita C. Rabinowitz, hereby declare as follows:

1. I am Executive Vice Chancellor and University Provost at The City University of New York, ("CUNY" or "University"), a position I have held since July 2015. As Executive Vice Chancellor and University Provost, I am the chief academic officer of the University, responsible for leading the planning, development, and implementation of University policies and initiatives relevant to all aspects of its academic programs, research, instructional technology, global engagement, student development, and enrollment management. Prior to holding my current position, I served as Provost and Vice President for Academic Affairs at Hunter College, a senior college of CUNY, for approximately ten years, and prior to that I was a faculty member at Hunter College as well as a member of the doctoral program in psychology

1 at CUNY Graduate Center. I have personal knowledge of the matters set forth below, or have
2 knowledge of those matters based on my review of information and records gathered by
3 members of my staff.
4

5 2. The City University of New York is the nation's largest urban university, with
6 twenty-four campuses, including senior and community colleges and graduate institutions
7 including the CUNY Graduate School and University Center, the CUNY Graduate School of
8 Journalism, the CUNY School of Law, the CUNY Graduate School of Public Health and Health
9 Policy and the CUNY School of Medicine at City College. CUNY has approximately 1,600
10 different academic programs running the gamut from certificate programs to Ph.D. and
11 professional programs. The University has an enrollment of approximately 274,000 full and
12 part-time undergraduate and graduate students and has nearly 276,000 students enrolled in adult
13 and continuing education programs.
14

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16 3. Since the founding of what is now City College (the oldest college in the CUNY
17 system) in 1847, CUNY has had a special mission to provide an affordable and excellent
18 education for students from disadvantaged backgrounds. More than 42 percent of CUNY's
19 students are in the first generation of their families to attend college. With its home in the
20 nation's largest and most diverse city, CUNY recruits and attracts a student body that is
21 extraordinarily diverse by any measure, including in language, culture, race, ethnicity, religion,
22 geography, family income, age, and educational background. CUNY students identify with 216
23 different ancestries and speak 189 different languages. Thirty seven percent of CUNY students
24 were born outside of the United States mainland.
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1 4. As is described in its 2016-2020 Master Plan adopted by the University's Board
2 of Trustees, CUNY has recognized the increasing importance of providing global perspectives
3 to its students. Studying with faculty and alongside students from other countries can expose
4 students to different cultures and ideas, enliven their classroom experiences, expand their
5 networks and horizons and engender a sense of global citizenship. The Master Plan also
6 specifically highlights CUNY's goal to further diversity its faculty and increase the geographic
7 diversity of its students by recruiting more international students to enroll in and transfer to
8 CUNY.
9

10 5. The March 6, 2017 Presidential Executive Order entitled "Protecting the Nation
11 from Terrorist Entry into the United States" ("EO") restricted entry to the United States from six
12 countries: Syria, Iran, Somalia, Sudan, Libya and Yemen ("affected countries"). The EO will
13 impede CUNY's ability to offer its students an excellent and affordable education, as well as the
14 ability of CUNY's faculty to engage in research and collaboration with foreign scholars. The
15 EO will affect CUNY by, among other things: impeding the ability of current students to leave
16 the United States for personal reasons and to take part in "study abroad" programs; chilling
17 CUNY's ability to recruit and enroll foreign students; interfering with the ability of CUNY
18 faculty, postdoctoral researchers and graduate students, and their collaborators abroad, to travel
19 for research purposes; and limiting CUNY's ability to hire and retain foreign faculty and to host
20 foreign scholars in the United States.
21

22 Student International Travel and Related Issues
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25 6. The University has more than 850 students born in the affected countries,
26 including approximately 116 students from those countries who attend CUNY on F or J visas

1 (including 18 doctoral students from Iran.) The implementation of the EO will have a negative
2 impact on the lives of students from the affected countries as well as other students. CUNY's
3 Citizenship Now! Program, which provides free immigration law services to help individuals
4 and families on their path to U.S. citizenship, reports that since the promulgation of the first
5 Executive Order on January 27, 2017 and continuing to date, it has been assisting dozens of
6 international students who have concerns and fears about the impact of the EO on them and their
7 families. Many of these inquiries are from students who are not from the six affected countries;
8 they include students from Afghanistan, India and Pakistan, among others. These students are
9 afraid to travel abroad, including for study abroad programs, because they fear being unable to
10 return to the United States.
11

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13 7. The EO will diminish CUNY's ability to continue and expand a number of
14 international study abroad programs. Studying abroad is a formative educational experience that
15 can provide tremendous personal growth and marketable global competencies for students. The
16 University has more than 1,500 students and faculty traveling and participating in study abroad
17 programs annually, and CUNY's undergraduate colleges are actively developing more such
18 programs. The viability of CUNY's study abroad programs depends on the ability of CUNY
19 students (as well as faculty) to travel outside of the United States. By affecting the right to travel,
20 the EO is jeopardizing these programs, and will adversely affect students and faculty, regardless
21 of their immigration or citizenship status.
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24 8. International programs and partnerships at CUNY campuses are already being
25 affected. At the Spitzer School of Architecture at City College, a partnership with institutions
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1 in Mexico City has been put on hold because the School cannot at this time risk taking all of its
2 students out of the country since some may not be able to return. Current students are losing a
3 valuable opportunity and future students may as well because international professional
4 relationships cannot be regularly sustained. Both the Urban Design program and the Landscape
5 Architecture program in that same School have supported the travel of entire studios of students
6 to study foreign locations where urban areas are in crisis or major transition, including Ecuador,
7 Southern China and Ireland, among others. These irreplaceable educational experiences are not
8 possible at this time because it could put certain foreign students in jeopardy.
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11 9. The EO is also posing an administrative burden on CUNY's study abroad offices,
12 and adding uncertainty into study abroad planning. CUNY study abroad program offices now
13 need to systematically record each study abroad participant's full nationality and immigration
14 status from the moment the student expresses interest in a program, to allow them to advise
15 students appropriately and to anticipate whether and how the student's status will impact the
16 viability of the program, for example, by increasing the number of student withdrawals due to
17 possible travel issues. If there are additional changes to immigration policies after students are
18 admitted to study abroad programs and pay fees, colleges will generally not be able to reimburse
19 students who withdraw, as most of the costs (such as to hotels and airlines) are paid in advance
20 and non-refundable. Programs that depend on minimum enrollments will face greater challenges
21 in meeting their targets, which may result in a higher than usual program cancellation rate.
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23
24 10. Students at CUNY from the affected countries who are preparing to graduate are
25 also fearful and anxious about potential changes in their plans to work post-graduation under
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1 Optional Practical Training (OPT) status. Post-graduation employment in OPT status gives
2 these students the ability to work in their area of study and some financial security. Now,
3 however, students from the affected countries will at a minimum experience delays in obtaining
4 work authorization. This will affect the ability of these students to obtain job offers that were
5 the hoped-for culmination of their CUNY education.
6

7 Admissions and Enrollment

8

9 11. The EO will also harm CUNY's ability to continue to attract and enroll students
10 from the affected countries and elsewhere. Higher education has become international, and
11 CUNY is no exception. CUNY currently enrolls over 8,000 international students on F and J
12 visas from over 100 countries. International students expect to be able to travel to their countries
13 of origin to maintain family relationships and, in the case of graduate students, to cultivate
14 professional opportunities because postgraduate employment in the United States is not
15 guaranteed. The EO threatens to scare away prospective students from the affected countries as
16 well as from other countries with large Muslim populations. It is also expected to reduce
17 applications and admissions from other international students, who may well decline to pursue
18 higher education in the United States in light of the EO.
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21 12. For example, the lifeblood of CUNY's Graduate School is its doctoral students,
22 and its programs grow more competitive each year. During the admissions cycle for Fall 2017,
23 24.8 percent of the Graduate School's 4,255 applications were from international students. The
24 deadline by which students must accept or decline the Graduate School's offer of admission is
25 April 15. Graduate schools in Canada, Australia, New Zealand, and elsewhere are currently
26

1 making a strong recruitment pitch to international applicants, stating that their countries are more
2 welcoming to international students than the U.S. In this climate of uncertainty and fear, the
3 Graduate School expects a negative impact on its student yield this year and on admissions
4 during the next academic year. The Graduate School has already been contacted by a number
5 of just-admitted applicants from the affected countries who have expressed concerns about their
6 ability to travel to the United States to begin their studies in Fall 2017.

8
9 13. Similarly, the Spitzer School of Architecture at City College, which has
10 applicants each year from predominantly Muslim countries, anticipates that the uncertainty of
11 being granted a student visa will discourage international students from applying to City College.
12 Baruch College expects a similar impact on its master's degree programs in business
13 administration, public affairs, international affairs and financial engineering, and its doctoral
14 program in business administration, each of which enroll significant numbers of foreign students
15 including students from one of the affected countries, Iran. The CUNY School of Journalism
16 also foresees a similar negative impact on an intensive summer workshop that attracts many
17 international students and has included participants from the affected countries.

19 International Travel by Faculty and Other CUNY-Affiliated Researchers

20
21 14. CUNY currently has over 80 faculty members who specialize in Middle Eastern
22 and diaspora studies. It also has numerous faculty in different fields (including STEM fields)
23 who conduct research and collaborate with foreign researchers in the affected countries and other
24 Muslim-majority countries. The uncertainty of travel for individuals from the six affected
25
26

1 countries or any Muslim-majority country harms the ability of CUNY faculty to engage in
2 research abroad or to enter into partnerships with academic colleagues abroad.
3

4 15. I am aware of at least five CUNY faculty members currently working on research
5 projects relating to the Middle East and/or East Africa funded by grants from the National
6 Science Foundation. Their project topics include dispute resolution in the Middle East and an
7 archaeological and genetic study of East Africa, among others, and to different degrees will
8 involve research about and in the affected countries. Based on my experience in higher
9 education, I am confident that some or all of these faculty members will encounter considerable
10 difficulties in carrying out research in countries whose citizens are prohibited from entering the
11 United States, even if the faculty members themselves are not prohibited from re-entering the
12 United States.
13
14

15 16. I am also aware of an assistant professor at Baruch who conducts archaeological
16 research in Sudan. The EO will likely prevent her Sudanese colleagues from traveling to Baruch
17 for symposia, workshops, and exhibitions, and will make it difficult or impossible for her and
18 other American researchers to continue this and other active research projects in Sudan. The
19 project at issue aims to recover lost data about Meroe, the capital of the Meroitic Kingdom (ca.
20 400 BCE-350 CE) and a UNESCO World Heritage Site, which is in unstable condition. This
21 research is critical to the recovery of data before it is lost to researchers.
22

23 17. Additionally, I am aware of a Lehman College faculty member who is engaged
24 in research on Syrian television drama production, much of which takes place outside Syria in
25 neighboring countries. She expects that her research will be impeded due to the difficulty of
26

1 traveling to and returning from Muslim majority nations, given the enhanced scrutiny of travelers
2 returning from the affected countries and other Muslim-majority countries.
3

4 18. It is becoming clear at CUNY and at other research institutions that I am aware
5 of that the EO is having and will have a significant impact not only on academic research directly
6 involving the affected countries or Muslim-majority countries, but on research activity and
7 collaboration in the United States more generally. At least one CUNY faculty member has
8 reported that several British and Canadian colleagues have advised that they are no longer
9 willing to visit the United States for conferences or academic meetings as a result of the EO, and
10 that some U.S. academic organizations are experiencing calls from members to boycott
11 conferences (such as the American Psychiatric Association Conference in San Diego) unless
12 they are moved outside of the United States. CUNY faculty will suffer significant harm if, as
13 appears likely, academic conferences are moved out of the United States, as conference travel
14 will be prohibitively expensive. The boycott by foreign scholars of U.S.-based conferences will
15 also diminish the ability of CUNY faculty to engage in academic collaborations and exchange
16 of research findings.
17
18

19 Faculty Recruitment and Retention
20

21 19. Although CUNY faculty have always engaged in research, within the past decade
22 CUNY has expanded its research enterprise significantly to become a major research institution,
23 spending over \$450 million on research within the past year. In 2014, the University opened
24 the CUNY Advanced Science Research Center to support and accelerate high-level science
25 research and development and the faculty whose work is concentrated on cutting-edge research.
26

1 20. In light of this commitment to research, it is critical that CUNY be able to recruit
2 and retain highly qualified research faculty. Identifying, recruiting and negotiating with
3 potential new faculty and researchers takes many months. Ideally, new teaching faculty start in
4 the fall semester, requiring offers made and arrangements finalized months prior to August.
5 Prospects who accept offers will also need to move family and secure housing by summer. The
6 uncertainty in the process caused by the EO will delay and may prevent the University and its
7 colleges and units from pursuing prospects, resulting in delays in research efforts and potential
8 delay or loss of federal funding for new research.
9

10
11 21. Moreover, potential foreign faculty recruits have already expressed concerns
12 about coming to CUNY and the U.S. Baruch College, for example, which hires a significant
13 number of foreign faculty members, reports that as a result of the EO it has received many more
14 questions from potential employees about travel restrictions that will interfere with normal
15 family obligations such as care of elderly parents, attending family weddings and anniversary
16 events, or participation in cultural holidays. New York City College of Technology has many
17 faculty members in engineering technology from the Middle East, especially Iran, as well as
18 other countries such as Pakistan, Bangladesh and Algeria, that could potentially be affected in
19 the future. The college fears that its ability to recruit and retain faculty from those countries who
20 have family at home or in temporary visa statuses will be seriously affected by the EO. The
21 CUNY Graduate Center is currently negotiating with an international senior research scholar
22 who has expressed serious concerns about moving to the United States at this time.
23
24

25 Summary
26

1 22. The concerns raised above all reflect potential short- and long-term harm to
2 CUNY from the EO. The EO seriously affects CUNY's educational mission to provide
3 education to a geographically and intellectually diverse student body; to provide opportunities
4 for students to obtain a global perspective by studying with students from all nationalities; to
5 recruit and retain a diverse faculty, including international scholars; and to support wide-ranging
6 and critically important research by faculty, postdoctoral researchers and graduate students. In
7 my judgment, the EO will harm not only CUNY's educational and research missions, but also
8 its financial health, due to reduced federal grant funding for research and a decline in student
9 enrollment, and its reputation as a cutting-edge research university. It would take years for
10 CUNY to recover from this damage.
11

12
13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed on this 11th day of March, 2017

15 *Vita C. Rabinowitz*
16

17 _____
18 Vita C. Rabinowitz, Ph.D.
19 Executive Vice Chancellor and University Provost
20 The City University of New York,
21
22
23
24
25
26

**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, Nancy L. Zimpher, hereby declare as follows:

1. I am the Chancellor of the State University of New York (“SUNY” or “university”).
2. As Chancellor, I routinely gather information about the operation of the institutions comprising SUNY as well as the university as a whole. I have compiled the information in the statements set forth below through SUNY personnel who have assisted me in gathering this information from SUNY campuses.
3. SUNY is the largest comprehensive university system in the United States, comprised of 64 institutions including research universities, academic medical centers, liberal arts colleges, community colleges, colleges of technology and an online learning network. Each year SUNY students and faculty across the state make significant contributions to research in the fields of medicine, engineering, technology, among others.

- 1 4. SUNY educates approximately 445,000 students in more than 7,500 degree and
2 certificate programs and nearly 2 million in workforce and professional development
3 programs. SUNY draws students from every state in the United States and 160 nations
4 around the world. SUNY employs more than 88,000 faculty and staff and has over 3
5 million alumni worldwide.
6
- 7 5. SUNY was founded as a university of opportunity, educating all, including those who
8 would not be admitted to other institutions of higher education because of their race,
9 religion or national origin. As a public university system, SUNY's core mission is to
10 ensure that all of its students, whatever their background, have access to high-quality
11 education and training that develop the skills and knowledge necessary to build a
12 rewarding life and career.
13
- 14 6. Shortly after the January 27, 2017 Executive Order, titled "Protecting the Nation from
15 Foreign Terrorist Entry Into the United States" ("January 27 Executive Order") went
16 into effect, I, along with SUNY Board Chairman H. Carl McCall, issued a statement to
17 SUNY students, faculty and staff expressing SUNY's support for individuals affected
18 by the January 27 Executive Order. The statement also recommended suspending travel
19 plans to the countries included in the January 27 Executive Order.
20
- 21 7. In addition, the presidents of several SUNY campuses issued statements in response to
22 the January 27 Executive Order to their students, faculty and staff offering support for
23 individuals affected by the January 27 Executive Order and recommending that those
24 individuals avoid international travel until further notice.
25
26

- 1 8. President Trump's March 6, 2017 Executive Order, titled "Protecting the Nation from
2 Foreign Terrorist Entry Into the United States" ("Executive Order") could undermine
3 SUNY's core mission. It threatens the free exchange of ideas and scholarship between
4 SUNY schools and the affected countries and frustrates SUNY's ability to benefit from
5 the talents of students and scholars from the countries listed in the Executive Order.
6
- 7 9. SUNY enrolls more than 22,000 international students from 160 different countries. Of
8 those students, approximately 232 visa holders are from the 6 countries listed in the
9 Executive Order throughout the SUNY system.
- 10 10. The issuance of the Executive Order could impact a number of SUNY students, who
11 are attempting to start, continue or complete their education, from entering the United
12 States, if they do not already have valid visas or need to renew their visas.
13
- 14 11. Although the Executive Order allows immigration-enforcement officials to issue
15 waivers to permit admission of nationals from the 6 listed countries if there is proof
16 that denying entry "would cause undue hardship, and that his or her entry would not
17 pose a threat to national security and would be in the national interest," it is on a case-
18 by-case basis. Therefore, it is uncertain how difficult it will be for SUNY students or
19 faculty or prospective students or faculty to obtain a waiver.
20
- 21 12. In addition, SUNY is deeply concerned that current uncertainties resulting from the
22 Executive Order as well as fears that it will be expanded to other nations will have a
23 chilling effect on international students applying to colleges and universities in the
24 SUNY system.
25
26

1 13. Further, several SUNY institutions actively recruit international students. For example,
2 representatives from Binghamton University travel around the world to attract the best
3 and brightest graduate students to its top rated programs. It also invested resources into
4 digital marketing campaigns and other social media outlets. The Executive Order could
5 undermine these activities and could negatively impact Binghamton and other SUNY
6 schools' recruitment efforts to attract top international students.
7

8 14. SUNY fears that prospective students who may have applied to colleges and
9 universities within the SUNY system are now considering other options in other
10 nations.
11

12 15. Further, SUNY may need to assist students from the affected countries with living and
13 housing expenses who cannot return home for the summer because their visas expired
14 and may not be renewed as a result of the Executive Order.

15 16. Overall, this Executive Order could undermine SUNY's unwavering commitment to
16 diversity, equity and inclusion and could cause SUNY and New York State harm.
17

18 I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and
19 correct.
20

21 Executed on this 11th day of March, 2017
22

23 /s/ Nancy L. Zimpher
24 Nancy L. Zimpher
25 Chancellor, State University of New York
26

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, Roozbeh Eskandari, hereby declare as follows:

1. I am a resident of New York, and I have Iranian citizenship.
2. I moved from Iran to the United States in 2009 with a hope of receiving an education in a more effective academic environment. I was inspired by the United States' values of freedom of speech, and the opportunity to work closely with others regardless of their religion, ethnicity, or backgrounds.
3. In August 2009, while on a F1 student visa, I started my graduate studies at Case Western in Ohio. There, I studied chemistry and obtained a PhD degree. During these years, I had the privilege to interact with great scientists from all over the world and trained a lot of students in the chemical biology field in my capacity as instructor in the teaching lab. A

1 good proportion of my students are now at many top institutions, such as Berkeley, MIT,
2 Duke, University of California at San Diego, working towards further developing the field.

3 4. I graduated from Case Western Reserve University in July 2015. I moved to New York
4 City a month after and began to work at the Memorial Sloan Kettering Cancer Center as a
5 postdoctoral scientist focusing on developing imaging molecules with Hyperpolarize MRI
6 using the expertise that I developed for years. I currently have an Optional Practical
7 Training visa, which is an extension of my F1 visa for temporary employment.
8

9 5. I have been working on developing molecules to study the aberration of metabolism in
10 different types of cancers. My current work on renal cell carcinoma is proven to be
11 translatable to humans. My colleagues and I are in the process of submitting our results to
12 cancer discovery journals, so that other physicians can utilize this technique and diagnose
13 kidney cancer at early stages.
14

15 6. The issuance of the Executive Order has had a negative impact on my research. Given the
16 great uncertainty surrounding the Executive Order, it is unclear whether I will be able to
17 continue my research in the United States as my visa may not be renewed. If I cannot
18 continue my research, there is a chance that life-saving cancer treatments will remain
19 undiscovered.
20

21 7. Unfortunately, the new Executive Order will also make my personal life much harder. My
22 parents live in Iran. Because of the Executive Order, they would be unable to visit me,
23 which is emotionally burdensome.

24 8. I am also concerned that the discrimination exhibited by this Executive Order will also
25 increase the risk for hostility towards people like me.
26

1 I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and
2 correct.

3
4 Executed on 10th of March, 2017

5
6 
7 Roozbeh Eskandari

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

STATE OF WASHINGTON and
STATE OF MINNESOTA,

Plaintiffs,

v.

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DONALD TRUMP, in his official
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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, Sadaf Amin, hereby declare as follows:

1. I am a resident of New York, and I have Iranian citizenship.
2. I am a PhD Student at Weill Cornell Medicine- Medical College of Cornell University. I moved to New York City in September 2011 from my hometown of Tehran, Iran with the goal of engaging in top notch research in biomedicine.
3. Currently, I am conducting research on stem cells to develop new models and drug candidates for diabetes which will pave the way to use precision medicine for the treatment of this devastating disease.
4. However, I had to make sacrifices on the way: being on a single entry F1 student visa for six years now, I did not want to risk leaving the country and experiencing long delays for being re-admitted so I have not seen my family for the past six years.

- 1 5. Because of the Executive Order, I will certainly not be able to visit my family as I would
2 not be provided a new visa to be permitted back into the country, to my life, my fiancé,
3 and my research. Nor is my immediate family, who live in Iran, able to come visit me
4 because of the entry restrictions of those from Iran in the new Executive Order.
5
6 6. My mother was planning on visiting me this summer in New York but cancelled her plans
7 because of the Executive Order.
8
9 7. This is a huge emotional burden as it seems very likely that the "temporary ban" on entry
10 on Iranian nationals will be a permanent ban as Iran and the U.S. have not had diplomatic
11 relations for decades. I have lived and served in this country for the past six years, and I
12 have already undergone extensive vetting processes. So, it is unclear why this ban would
13 apply when the U.S. already has so much information about me.
14
15 8. I was willing to make the personal sacrifice of not seeing my family for some time to
16 achieve my goals of advancing research on diabetes. However, if the sacrifice means that I
17 will never be able to see my family, I am not sure that I can remain in this country.
18 Moreover, because my fiancé is an American citizen, leaving the United States for Canada
19 or Europe would be a very difficult decision to make.

20 I declare under penalty of perjury that the foregoing is true and correct.
21

22 Executed on this 10 day of March, 2017
23
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25
26


Sadaf Amin

**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
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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, Shayda Hemmati, hereby declare as follows:

1. I have been a resident of New York since September 2015 and, I am an Iranian national.
2. I am currently a postdoctoral research fellow at the Cancer Research Center at Albert Einstein College of Medicine.
3. After finishing my PhD in Germany at the prestigious University of Heidelberg, I came to the United States to pursue my career in helping cancer patients and improving the conventional cancer therapies by performing more in-depth translational research.
4. I am permitted to work in the United States under a H1-B employment visa which is valid for one more year, until April 2018. As a result of the Executive Order, I am not sure if I will be able to renew my visa and be permitted to continue to work in the United States.
5. I conduct research specifically on leukemia at the Cancer Center Research Center.

- 1 6. In my research career of over 10 years, I have researched several different types of
2 cancer. I have several publications on how to improve treatments for certain types of
3 blood and ovary cancer, including identifying genes involved in cancer. I also conducted
4 clinical research, which is very useful for patients suffering from cancer. Clinical cancer
5 research is typically conducted over the course of several years to obtain sufficient data—
6 at least 2 to 3 years. I am currently researching personalized cancer treatment for
7 leukemia patients which may take years to complete.
- 9 7. The Executive Order will also affect my personal life. My entire family is in Iran,
10 including my parents and my siblings. Prior to the ban, it was very difficult to travel to
11 the United States. The process took several months, and I had to go through a number of
12 background checks. Now, it will be impossible. I am very concerned that my parents
13 cannot come and visit me. This has made me question whether it is worth staying in the
14 United States to do this research. I do not want to have to sacrifice seeing my close family
15 members.
- 17 8. I was planning to apply for permanent residency in the United States to continue my
18 research and pursue my goal of helping cancer patients. However, because of the
19 Executive Order, I will probably go to Europe and continue my research there.

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

23 Executed on this 10th day of March, 2017

25 /s/ Shayda Hemmati

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

STATE OF WASHINGTON and
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Plaintiffs,

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Secretary of the Department of
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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, Tim Johnson, hereby declare as follows.

1. I am a Senior Vice President and the Executive Director of the Center for GME Policy and Services with the Greater New York Hospital Association (GNYHA.) I help develop and oversee GNYHA's policy development and advocacy work in the area of graduate medical education (GME) and health care workforce.

Background on GNYHA and the New York State Health Care Workforce

2. GNYHA is a trade association comprised of 160 hospital members, approximately 140 of which are located in New York State. Virtually every academic medical center and major teaching hospital in New York is a GNYHA member.
3. Our members are worldwide leaders in GME and medical research, in addition to providing patient care. Foreign nationals form a very important segment of our members' workforce. The J-1 and H-1B visas are among the most common types of nonimmigrant visas held by international professionals employed by our membership.
4. A large number of these visa holders are physician trainees in residency and fellowship programs. Physician trainees' primary goal is to learn to be independent, practicing physicians. They learn by taking care of patients under supervision, and as they progress through their training, they are given greater autonomy in caring for patients.

1 Physician trainees are an integral part of New York's health care workforce, working in
2 hospital emergency rooms, inpatient units, and outpatient clinics. They provide
3 culturally competent care in a variety of settings and communities, caring for many
underserved New Yorkers of great need as part of their training.

- 4 5. Foreign nationals applying to physician training programs are subject to rigorous
5 screening. The Educational Commission for Foreign Medical Graduates (ECFMG)
6 sponsors foreign nationals in physician training programs on J-1 visas. It is my
7 understanding that all credentials are verified and the foreign nationals are screened in
8 partnership with the Specially Designated Nationals (SDN) list maintained by the
Office of Foreign Assets Control of the U.S. Department of Treasury. Only after
successful completion of this screening and passing certain examinations are the
candidates certified by ECFMG to apply for a residency position.
- 9 6. Certified candidates submit applications and supporting documentation, including
10 diplomas and licenses, through a centralized, electronic system, the Electronic
11 Residency Application Service, that is sponsored by the Association of American
12 Medical Colleges. Each year, hospitals with such programs and applicants for residency
13 positions participate in a process known as "the match," which is conducted by the
14 National Resident Matching Program (NRMP). Selection of residents and fellows for
15 physician training programs is largely a centralized, controlled process with set
16 milestone dates during the year. The NRMP is the conduit for matching applicants to
17 residency and fellowship training programs that begin on July 1 each year. Each year in
18 February, residency program directors must submit a rank order list of candidates to the
NRMP. The residency program directors develop these rank order lists using objective
criteria based on qualifications and likelihood of success in meeting the demands of the
physician training programs. Candidates and programs are then "matched" by the end
of March. At that point, any applicant who has matched with a program and who is in
need of a visa must take steps to secure it prior to commencement of training on July 1.
- 19 7. Our members will sometimes hire physician trainees outside of the match as well, as
20 there may be a need to recruit independently in certain cases for a variety of reasons. In
21 addition to physician trainees, hospitals and their affiliated medical schools and
22 research institutes also employ and sponsor other foreign professionals, including
23 attending physicians, nurses, and scientific researchers. These organizations therefore
recruit and hire physician trainees and other health care professionals continuously
through each year.

24 GNYHA Member Survey

- 25 8. In the days following the issuance of President Trump's original travel ban, Executive
26 Order 13769, on January 27, 2017, GNYHA immediately identified three broad

1 categories of individuals associated with our member hospitals who were being or
2 could be impacted by the Executive Order: current visa holders prohibited from
3 traveling or denied reentry to the U.S.; current visa holders whose renewals could be
4 denied during the ban; and applicants for residency positions who may not be able to
5 secure visas to commence their training. This last category was of particular importance
6 because of impending deadlines in the resident match process. GNYHA determined
7 that we should survey our membership to assess the potential impact of the Executive
8 Order in these areas.

- 9 9. On February 1, 2017, GNYHA surveyed its members on, among other things, the
10 number of visa holders in their workforce from the seven countries designated for the
11 ban in Executive Order 13769 and the types of positions and visas they hold. We also
12 asked whether any of our members had interviewed, or planned to interview, nationals
13 from any of the seven countries for residency positions during the current match
14 process. The survey closed on February 13.
- 15 10. Thirty-two New York State respondents from GNYHA's membership submitted data in
16 response to the survey. Because some of the respondents are hospital systems that
17 responded on behalf of multiple hospitals, the data represents submissions on behalf of
18 80 individual New York State hospitals.
- 19 11. Among these 80 hospitals, the survey found that there are 72 physician trainees from
20 the six countries now subject to the ban under President Trump's new Executive Order
21 13780, who are on nonimmigrant visas. According to the survey results, there are 38
22 other health care workers from the six countries who are on nonimmigrant visas.
- 23 12. Fourteen of the 32 respondents (representing as many as 56 individual hospitals)
24 responded that they had interviewed foreign nationals from the original seven countries
25 for residency or fellowship positions during the current match process. We did not ask
26 respondents to identify which countries the candidates were from or how many
candidates from each of the designated countries the respondents had interviewed or
planned to interview during the match.

20 Impact of Executive Order 13780

- 21 13. As the GNYHA survey results demonstrate, many of our member hospitals rely on
22 foreign nationals from the six countries designated for the ban under Executive Order
23 13780 to fill physician trainee and other staff positions. Moreover, they likely have
24 considered such nationals for physician trainee positions in the current match process.
25 This year's match results will be announced on March 17. There may well be foreign
26 nationals from the six countries who have successfully matched to our members'
training programs, and those individuals will not be allowed to begin training in New
York unless they fit into an exception or can get a waiver, in accordance with Executive

1 Order 13780. If they cannot identify a means to get a visa, the training programs will be
2 forced to seek out other, potentially less qualified, candidates from the applicants
3 remaining who have not been matched.

4 14. Executive Order 13780 may also affect our members if it results in a diminution or
5 delay in processing renewals of visas currently held by nationals from the six
6 designated countries. The implications for visa renewals are not entirely clear under the
7 new order or the Department of Homeland Security's related Q&A document, and this
8 uncertainty is deleterious to our members' ongoing need to conduct important research,
9 provide quality patient care, and have a robust staff in place to take care of their
10 communities.

11 15. Much will depend on how the authorities interpret and implement the new order and
12 how they exercise their discretion to grant waivers. We continue to be concerned about
13 the longer-term effects on our members' workforce, particularly if the ban is expanded
14 or extended as allowed by the terms of the new order. Executive Order 13780 addresses
15 some but not all of GNYHA's original concerns.

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

17 Executed on this 11th day of March, 2017

18 

19 Tim Johnson
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON and
STATE OF MINNESOTA,

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2. GNYHA is a trade association comprised of 160 hospital members, approximately 140 of which are located in New York State. Virtually every academic medical center and major teaching hospital in New York is a GNYHA member.
3. Our members are worldwide leaders in GME and medical research, in addition to providing patient care. Foreign nationals form a very important segment of our members' workforce. The J-1 and H-1B visas are among the most common types of nonimmigrant visas held by international professionals employed by our membership.
4. A large number of these visa holders are physician trainees in residency and fellowship programs. Physician trainees' primary goal is to learn to be independent, practicing physicians. They learn by taking care of patients under supervision, and as they progress through their training, they are given greater autonomy in caring for patients.

1 Physician trainees are an integral part of New York's health care workforce, working in
2 hospital emergency rooms, inpatient units, and outpatient clinics. They provide
3 culturally competent care in a variety of settings and communities, caring for many
underserved New Yorkers of great need as part of their training.

- 4 5. Foreign nationals applying to physician training programs are subject to rigorous
5 screening. The Educational Commission for Foreign Medical Graduates (ECFMG)
6 sponsors foreign nationals in physician training programs on J-1 visas. It is my
7 understanding that all credentials are verified and the foreign nationals are screened in
8 partnership with the Specially Designated Nationals (SDN) list maintained by the
Office of Foreign Assets Control of the U.S. Department of Treasury. Only after
successful completion of this screening and passing certain examinations are the
candidates certified by ECFMG to apply for a residency position.
- 9 6. Certified candidates submit applications and supporting documentation, including
10 diplomas and licenses, through a centralized, electronic system, the Electronic
11 Residency Application Service, that is sponsored by the Association of American
12 Medical Colleges. Each year, hospitals with such programs and applicants for residency
13 positions participate in a process known as "the match," which is conducted by the
14 National Resident Matching Program (NRMP). Selection of residents and fellows for
15 physician training programs is largely a centralized, controlled process with set
16 milestone dates during the year. The NRMP is the conduit for matching applicants to
17 residency and fellowship training programs that begin on July 1 each year. Each year in
18 February, residency program directors must submit a rank order list of candidates to the
NRMP. The residency program directors develop these rank order lists using objective
criteria based on qualifications and likelihood of success in meeting the demands of the
physician training programs. Candidates and programs are then "matched" by the end
of March. At that point, any applicant who has matched with a program and who is in
need of a visa must take steps to secure it prior to commencement of training on July 1.
- 19 7. Our members will sometimes hire physician trainees outside of the match as well, as
20 there may be a need to recruit independently in certain cases for a variety of reasons. In
21 addition to physician trainees, hospitals and their affiliated medical schools and
22 research institutes also employ and sponsor other foreign professionals, including
23 attending physicians, nurses, and scientific researchers. These organizations therefore
recruit and hire physician trainees and other health care professionals continuously
through each year.

24 GNYHA Member Survey

- 25 8. In the days following the issuance of President Trump's original travel ban, Executive
26 Order 13769, on January 27, 2017, GNYHA immediately identified three broad

1 categories of individuals associated with our member hospitals who were being or
2 could be impacted by the Executive Order: current visa holders prohibited from
3 traveling or denied reentry to the U.S.; current visa holders whose renewals could be
4 denied during the ban; and applicants for residency positions who may not be able to
5 secure visas to commence their training. This last category was of particular importance
6 because of impending deadlines in the resident match process. GNYHA determined
7 that we should survey our membership to assess the potential impact of the Executive
8 Order in these areas.

- 9 9. On February 1, 2017, GNYHA surveyed its members on, among other things, the
10 number of visa holders in their workforce from the seven countries designated for the
11 ban in Executive Order 13769 and the types of positions and visas they hold. We also
12 asked whether any of our members had interviewed, or planned to interview, nationals
13 from any of the seven countries for residency positions during the current match
14 process. The survey closed on February 13.
- 15 10. Thirty-two New York State respondents from GNYHA's membership submitted data in
16 response to the survey. Because some of the respondents are hospital systems that
17 responded on behalf of multiple hospitals, the data represents submissions on behalf of
18 80 individual New York State hospitals.
- 19 11. Among these 80 hospitals, the survey found that there are 72 physician trainees from
20 the six countries now subject to the ban under President Trump's new Executive Order
21 13780, who are on nonimmigrant visas. According to the survey results, there are 38
22 other health care workers from the six countries who are on nonimmigrant visas.
- 23 12. Fourteen of the 32 respondents (representing as many as 56 individual hospitals)
24 responded that they had interviewed foreign nationals from the original seven countries
25 for residency or fellowship positions during the current match process. We did not ask
26 respondents to identify which countries the candidates were from or how many
candidates from each of the designated countries the respondents had interviewed or
planned to interview during the match.

Impact of Executive Order 13780

13. As the GNYHA survey results demonstrate, many of our member hospitals rely on
foreign nationals from the six countries designated for the ban under Executive Order
13780 to fill physician trainee and other staff positions. Moreover, they likely have
considered such nationals for physician trainee positions in the current match process.
This year's match results will be announced on March 17. There may well be foreign
nationals from the six countries who have successfully matched to our members'
training programs, and those individuals will not be allowed to begin training in New
York unless they fit into an exception or can get a waiver, in accordance with Executive

1 Order 13780. If they cannot identify a means to get a visa, the training programs will be
2 forced to seek out other, potentially less qualified, candidates from the applicants
3 remaining who have not been matched.

4 14. Executive Order 13780 may also affect our members if it results in a diminution or
5 delay in processing renewals of visas currently held by nationals from the six
6 designated countries. The implications for visa renewals are not entirely clear under the
7 new order or the Department of Homeland Security's related Q&A document, and this
8 uncertainty is deleterious to our members' ongoing need to conduct important research,
9 provide quality patient care, and have a robust staff in place to take care of their
10 communities.

11 15. Much will depend on how the authorities interpret and implement the new order and
12 how they exercise their discretion to grant waivers. We continue to be concerned about
13 the longer-term effects on our members' workforce, particularly if the ban is expanded
14 or extended as allowed by the terms of the new order. Executive Order 13780 addresses
15 some but not all of GNYHA's original concerns.

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

17 Executed on this 11th day of March, 2017

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19 Tim Johnson
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**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 Abdo Elfgeeh, hereby declare as follows:

1. I am a resident of Mohegan Lake, in Westchester County, New York State. I am a United States ("U.S.") citizen, and a Yemeni-American.
2. I came to the U.S. in 2001, as a legal permanent resident. My father came in the first wave of Yemeni immigrants to the U.S. in 1966, and became a U.S. citizen in 1972. When I came to the U.S., I joined my siblings and many of my cousins who reside in New York State, and who are also business owners.
3. I studied and graduated from Empire State College and obtained a Bachelor of Science degree in Business Administration in 2004. I am forty-two years old, and am currently employed as an Automated Teller Machine ("ATM") sales representative.

1 4. The Executive Order issued on January 27, 2017, entitled "Protecting the Nation from
2 Foreign Terrorist Entry into the United States," has left me fearful and uncertain about whether
3 I can re-unite with my wife and four children, who are stranded in Sana'a, Yemen. The new
4 Order issued on March 6, 2017, did not change any of this uncertainty.

5
6 5. Respectively, my children are, 19 years old, 17 years old, 16 years old, and 9 years
7 old. They are all currently living in Sana'a, until they hear about the status of visa applications.

8 6. My wife and first three children are waiting for their I-130 (Petition for Alien Relative) visa
9 applications to be approved so that our family can be re-united, and everyone can be safe. My
10 wife and the 16-year old's applications were submitted in June 2014, while the 17 and 19 year
11 olds' applications were submitted in April 2016. The 9-year-old is a U.S. citizen, because she
12 was born in 2008, after I became a U.S. citizen.

13
14 7. My wife and the 16-year old's visas were partially processed since they were submitted in
15 2014. I attended an interview with United States Citizenship and Immigration Services
16 ("USCIS"), as part of the processing of their applications – and was told that their applications
17 would not be approved until the applications for my other two children were approved.

18 8. Since the passage of the Orders I have been trying to contact appropriate agencies to
19 get information on the status of my family's visa applications. I have not been able to get in
20 contact with anyone. The 90-day ban on Yemeni-nationals entering the U.S., which is in both
21 Executive Orders, has left me with no guarantee that my family's visa applications will even
22 continue to be processed.
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1 9. The separation of my family is heartbreaking. Beyond the fact that we are physically
2 separated, and this is not the way any family should live – I am worried about my family's
3 safety, and what growing up in war will do to them – especially to my children.

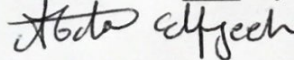
4 10. My eldest child should be going to college and the next in line should be finishing high
5 school, but when they go to school often times teachers are not able to teach because of the
6 uncertainty and danger related to the war.

7 11. All I want is to re-unite my family, and I am fearful that even under the new version of the
8 Executive Order, the 90-day ban imposed on Yemenis entering the United States – means that
9 the default rule is that their applications will not be processed for the sole reason that they are
10 from Yemen, a country in the midst of war, which happens to be predominantly Muslim.

11 12. I am a proud citizen of the United States, and I want to live in peace with my family in this
12 country.

13 I declare under penalty of perjury that the foregoing is true and correct.
14
15

16 Executed on this 10 day of March, 2017

17 

18 ABDO Y ELFGEEH

19 [Typed Name Below Signature]
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**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.

5
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.
23

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

9 22. The revised Executive Order issued on March 6, 2017, still contains the baseline rule is
10 that there is still a 90-day ban on Yemeni-nationals entering the U.S. Many members in the
11 Yemeni-American community in New York, are still living in fear of not being able to travel
12 outside the U.S., and are grappling with the reality that our families may never be re-united in
13 the U.S.
14

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

16 Executed on this 10 day of March, 2017

17 */S Rabyaah A.*
18

19 [Typed Name Below Signature]
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