

Stephen Manning, OSB No. 013373
smanning@ilgrp.com
Nadia Dahab, OSB No. 125630
nadia@innovationlawlab.org
Jordan Cunnings, OSB No. 182928
jordan@innovationlawlab.org
Tess Hellgren, OSB No. 191622
tess@innovationlawlab.org
INNOVATION LAW LAB
The Oregon Trail Bldg
333 SW 5th Ave Ste 200
Portland OR 97204
Telephone: 503.241.0035

Melissa Crow (*admitted pro hac vice*)
Melissa.Crow@splcenter.org
SOUTHERN POVERTY LAW CENTER
1101 17th Street, NW, Suite 705
Washington, DC 20036
Telephone: 202.355.4471

Attorneys for Plaintiffs
Las Americas Immigrant Advocacy Center;
Asylum Seeker Advocacy Project; Catholic Legal
Immigration Network, Inc.; Innovation Law Lab;
Santa Fe Dreamers Project; and Southern
Poverty Law Center

Bryan D. Beel, OSB No. 073408
BBeel@perkinscoie.com
Heidee Stoller, OSB No. 072835
HStoller@perkinscoie.com
Nathan R. Morales, OSB No. 145763
NMorales@perkinscoie.com
PERKINS COIE LLP
1120 N.W. Couch Street, 10th Floor
Portland, OR 97209-4128
Telephone: 503.727.2000

Rebecca Cassler (*admitted pro hac vice*)
Rebecca.Cassler@splcenter.org
Gracie Willis (*admitted pro hac vice*)
Gracie.Willis@splcenter.org
SOUTHERN POVERTY LAW CENTER
P.O. Box 1287
Decatur, GA 30031-1287
Telephone: 404.521.6700

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LAS AMERICAS IMMIGRANT
ADVOCACY CENTER; ASYLUM
SEEKER ADVOCACY PROJECT;
CATHOLIC LEGAL IMMIGRATION
NETWORK, INC.; INNOVATION LAW
LAB; SANTA FE DREAMERS
PROJECT; AND SOUTHERN POVERTY
LAW CENTER,

Plaintiffs,

Case No. 3:19-cv-02051-SB

**DECLARATION OF NADIA DAHAB IN
SUPPORT OF EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
PURSUANT TO 28 U.S.C. § 1651(a)**

DECLARATION OF NADIA DAHAB IN SUPPORT
OF EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER

129956-0004/147688850.1

Perkins Coie LLP
1120 N.W. Couch Street, 10th Floor
Portland, OR 97209-4128
Phone: 503.727.2000
Fax: 503.727.2222

v.

DONALD J. TRUMP, in his official capacity as President of the United States; WILLIAM BARR, in his official capacity as Attorney General of the United States; U.S. DEPARTMENT OF JUSTICE; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; AND JAMES MCHENRY, in his official capacity as EOIR Director of the United States,

Defendants.

I, Nadia Dahab, declare:

1. I am a Senior Staff Attorney at Innovation Law Lab, a nonprofit founded to improve the rights and well-being of immigrants and refugees by combining technology, data analysis, and representation.

2. I am over the age of 18, a member in good standing of the Oregon State Bar, and counsel in the above-captioned matter. I make this declaration based on my personal knowledge of the facts described herein.

3. Attached as **Exhibit A** to this declaration is a true and correct copy of a white paper entitled “Impact of non-pharmaceutical interventions (NPIs) to reduce COVID-19 mortality and healthcare demand,” prepared on behalf of the Imperial College COVID-19 Response Team, and also available at <https://www.imperial.ac.uk/media/imperial-college/medicine/sph/ide/gida-fellowships/Imperial-College-COVID19-NPI-modelling-16-03-2020.pdf>.

4. Attached as **Exhibit B** to this declaration is a true and correct copy of a policy memorandum issued by Defendant James McHenry on March 18, 2020, entitled “Immigration

1- DECLARATION OF NADIA DAHAB IN SUPPORT OF EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

129956-0004/147688850.1

Perkins Coie LLP
1120 N.W. Couch Street, 10th Floor
Portland, OR 97209-4128
Phone: 503.727.2000
Fax: 503.727.2222

Court Practices During the Declared National Emergency Concerning the COVID-19 Outbreak, and also available at <https://www.justice.gov/eoir/file/1259226/download>.

5. Attached as **Exhibit C** to this declaration is a true and correct copy of a letter from Amiena Khan, Executive Vice President of the National Association of Immigration Judges, to Andrew Cuomo, Governor of the State of New York, and Letitia James, Attorney General of the State of New York, dated March 24, 2020.

6. Attached as **Exhibit D** to this declaration is a true and correct copy of the Standing Order of Immigration Judge H. Kevin Mart Relating to Telephonic Appearances at Master Calendar Hearings dated March 21, 2020, published in Appendix R of the Immigration Court Practice Manual.

7. Attached as **Exhibit E** to this declaration is a true and correct copy of an undated Standing Order of the Atlanta Immigration Court – Ted Turner Drive Relating to Telephonic Appearances of Counsel and Permitted Attendees at Detained Master Calendar and Individual Hearings published on March 20, 2020, published in Appendix R of the Immigration Court Practice Manual.

8. Attached as **Exhibit F** to this declaration is a true and correct copy of a March 12, 2020, letter from Ashley Tabaddor, President of the National Association of Immigration Judges, to Defendant James McHenry.

9. Attached as **Exhibit G** to this declaration is a true and correct copy of a March 15, 2020, Joint Statement of the National Association of Immigration Judges, the American Federation of Government Employees Local 511, and the American Immigration Lawyers Association calling for the nationwide closure of all immigration courts.

10. Attached as **Exhibit H** to this declaration is a printout from the Internet of an article published in the Miami Herald on March 19, 2020, authored by Monique O. Madan and

entitled “White House Itself Is Choosing Which Immigration Courts Get to Close Amid COVID-19.”

11. Attached as **Exhibit I** to this declaration is a true and correct copy of Memorandum and Order on Amended Petition for Habeas Corpus, *Basank v. Decker*, No. 20-CV-2518 (S.D.N.Y. Mar. 26, 2020).

12. Attached as **Exhibit J** to this declaration is a true and correct copy of a Standing Order of the Boston Immigration Court Relating to Telephonic Appearances of Counsel and Permitted Attendees at Detained Master Calendar and Individual Hearings dated March 26, 2020, published in Appendix R of the Immigration Court Practice Manual.

13. On the evening of March 26, 2020, at 6:15 PM Pacific Daylight Time, I received an email from usdoj@public.govdelivery.com . The subject line of the email was “EOIR Stakeholder Update,” and it purported to explain the status of EOIR operations during the COVID-19 pandemic. The email informed me, among other things, that all nondetained hearings had been postponed until April 10, and directed me to the EOIR website and Twitter account (@DOJ_EOIR) to “facilitate [my] access to information” during the pandemic. Attached as **Exhibit K** to this declaration is a true and correct copy of the email that I received.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: March 27, 2020

/s/ Nadia H. Dahab
Nadia H. Dahab