

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PARS EQUALITY CENTER, IRANIAN
AMERICAN BAR ASSOCIATION,
NATIONAL IRANIAN AMERICAN
COUNCIL, PUBLIC AFFAIRS ALLIANCE
OF IRANIAN AMERICANS, INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP et al.,

Defendants.

Civil Action No. 1:17-cv-255

Hon. Tanya S. Chutkan

**PLAINTIFFS' SUPPLEMENTAL SUBMISSION IN SUPPORT OF MOTION TO LIFT
THE STAY AND FOR A PRELIMINARY INJUNCTION**

Plaintiffs hereby respectfully submit additional information in support of their June 27, 2017 Motion to Lift the Stay and for a Preliminary Injunction. ECF 92. Plaintiffs' motion seeks to enjoin enforcement of §§ 2(c) and 6(a) of the March 6 Executive Order as it applies to refugees.

1. The Government began enforcing the Travel Ban as to refugees on June 29, 2017 under §§ 2(c) and 6(a) of the March 6 Executive Order. *See* U.S. Dep't of State, Office of the Spokesperson, *Question Taken at the June 29, 2017 Daily Press Briefing*, "The 120-day Suspension of the Refugee Admissions Program," *available at* <https://www.state.gov/r/pa/prs/ps/2017/06/272319.htm>.

2. In implementing the Travel Ban, the Government has taken an unnecessarily rigid and narrow view of the Supreme Court's June 26 decision, both generally and as specifically applied to refugees—deeming categorically that certain relationships are "bona fide" and others are not.

For example, on June 30, the Department of State Bureau of Population, Refugees, and Migration issued guidance stating that:

- a. refugee admissions to the United States will be limited to individuals who can establish a “bona fide relationship with a person in the United States,”
- b. “grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law and sisters-in-law, and any other ‘extended’ family members . . . do not qualify . . . as bona fide relationships,” and
- c. “the fact that a resettlement agency in the United States has provided a formal assurance for a refugee seeking admission . . . is not sufficient in and of itself to establish a qualifying relationship.”

See U.S. Dep’t of State, Bureau of Population, Refugees & Migration, *Information Regarding the U.S. Refugee Admissions Program: Fact Sheet* (June 30, 2017), available at <https://www.state.gov/j/prm/releases/factsheets/2017/272316.htm>.

The Government’s implementation of the June 26 decision is arbitrary and capricious. Moreover, as applied to refugees, it is almost nonsensical. Many refugees fleeing persecution in their home countries—including Jane Does #7 and #8—do not have familial relationships with persons in the United States of the sort the State Department now purports to require.

For this reason, refugees have never been required to establish such familial relationships as a condition for admission to the United States. Rather, our laws have recognized “that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including . . . to promote opportunities for . . . admission to this country of refugees of special humanitarian concern to the United States” and “to provide a

permanent and systematic procedure for the admission to this country of refugees of special humanitarian concerns.” Refugee Act of 1980 §101.

3. The Travel Ban has already prevented refugees who had been thoroughly vetted and approved for admission to the United States from travelling to the United States. Since the Travel Ban has been implemented, the Organizational Plaintiffs have received information about a number of refugees who have been affected.

For example, IABA has been contacted by Reza Zoghi, an Iranian political dissident who has been repeatedly imprisoned and tortured by the Iranian government. Mr. Zoghi executed a declaration today, which is submitted as Exhibit 4. Mr. Zoghi, his wife, and three year-old daughter are currently living as refugees in Turkey. They completed their screening interviews with the U.S. Refugee Assistance Program and U.S. Customs and Immigration Service during the summer of 2016. After delays caused in part by the Government’s suspension of refugee processing following the January 27 Executive Order, Mr. Zoghi’s family had their final medical screenings in April 2017, as well as their three-day cultural orientation for admission to the United States. *See* Exhibit 4-A. The medical screenings are valid for six months. *See* Centers for Disease Control and Prevention, *Medical Examination: Frequently Asked Questions (FAQs)*, <https://www.cdc.gov/immigrantrefugeehealth/exams/medical-examination-faqs.html>. They have been assigned a sponsor in Minnesota, and were awaiting issuance of their travel documentation when the Government implemented the Travel Ban on June 29.

As described in his declaration, Mr. Zoghi’s situation in Turkey is precarious. The Turkish government has previously deported Mr. Zoghi back to Iran, and Mr. Zoghi would almost certainly face imprisonment and torture if he is sent back again.

* * *

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their Motion to Lift the Stay and for a Preliminary Injunction.

Dated: July 4, 2017

Respectfully submitted,

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**Pro hac vice motion pending*

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Pars Equality Center,)
Iranian American Bar Association,)
National Iranian American Council,)
Public Affairs Alliance of Iranian Americans,)
Inc. *et al*,)

Plaintiffs,)

v.)

Civil Action No. 17-255

Donald J. Trump, President of the United States,)
et al.)

Defendants.)

**DECLARATION OF REZA ZOGHI IN SUPPORT OF
PLAINTIFFS’ MOTION TO LIFT THE STAY AND FOR A PRELIMINARY
INJUNCTION**

Pursuant to Title 28 U.S.C. Section 1746, I, Reza Zoghi, hereby declare and state as follows:

1. I am over the age of eighteen years, and I have personal knowledge of the facts set forth herein or believe them to be true based on my experience or upon information provided to me by others. If asked to do so, I could testify truthfully about the matters contained herein.

I. Background:

2. I am an Iranian citizen currently living in Turkey and seeking to be admitted to the United States as a refugee.

3. I grew up in Tehran, Iran. In 2006, I was 20 years old and had been working for three years as an advertising agent for IRAN Newspaper. While I had good relations with the staff, some Herasat officers—intelligence officers operating in state institutions in Iran—

harassed me because of my secular beliefs and non-traditional appearance, including my long hair at the time. The newspaper was shut down on or about May 23, 2006 for printing a caricature. Approximately five months later, the paper reopened with new, unqualified editorial staff, which led to a decrease in our circulation. In December 2006, I and some other lower ranking staff complained to management about how the newspaper was being run. Mr. Shirazi, a former Herasat officer who disliked me and had been promoted to management, singled me out and confronted me violently after we made these complaints.

4. Mr. Shirazi eventually falsely accused me of stealing his wireless device and had me arrested. Despite the lack of any evidence, I was detained at the notorious police station in Shahpur Street. A few hours later, Mr. Shirazi confronted me at the police station and claimed that a “western” person like me should have never worked in the newspaper. I said that I would quit the newspaper if he would agree to drop the charges so that I could be released. But Mr. Shirazi insisted that I should confess to stealing his wireless device because he claimed that my confession was the only guarantee that I would quit the newspaper. When I refused to confess, I was beaten. The next day, I was taken to an interrogation room where my hands and feet were tied to a bed. Mr. Shirazi again demanded that I confess. When I refused again, he beat me, tore off my clothes, and raped me. Eight days later, I was driven in a blindfold to the outskirts of Tehran and released from detention.

5. I was mentally shattered after being wrongfully detained and tortured. Once I was released, I quit the newspaper, began growing a beard, and cut my hair. I wanted to change my appearance to try and avoid any adverse attention from the authorities. I was traumatized by these events for a long time, and attempted suicide twice. I began to get better after I met a woman who helped me recover. We were eventually married in Iran.

6. On or about August 9, 2008, I started my compulsory military service in Iran because without a completion card I was unable to attend university, receive a driver's license, or own property or a business. I was assigned to the Defense Ministry's Aerospace Industries Organization (AIO). Since I have severe Genu varum (bow-leggedness), I was exempted from military training and was engaged in clerical work throughout my service.

7. I was very upset by the 2009 presidential elections in Iran, and began to participate in street protests during my weekend leaves from military service. On or about July 9, 2009, I was one of approximately 120 protestors who were arrested and sent to the Kahrizak detention center. Kahrizak has a terrible reputation and has been referred to as "Iran's Guantanamo." All of us arrested protestors along with 37 other detainees charged with violent crimes were incarcerated in a small, dark, unhygienic, unventilated, cell known as "Quarantine no. 1." The cell had only one door-less working toilet and one faucet with unsanitary well water. We were denied medical treatment and provided two paltry meals a day. We were frequently beaten with PVC pipes and forced to "exercise" outside barefoot on the burning asphalt by duck walking, squat-jumping, or crawling. Worst of all, during this time I witnessed the deaths of three injured protestors and was forced to watch three other protestors hung up from their feet and violently beaten.

8. On or about the evening of July 14, 2009, I and the other detainees were transferred to Evin Detention Center. I was interrogated and pressured to say that I had been conducting propaganda against the state of Iran and colluding against the state's national security interests. Two weeks later, I was released on bail.

9. After finally being released, I along with the other Kahrizak detainees filed a lawsuit against the Law Enforcement Forces. Shortly after this lawsuit was filed, I was arrested

and detained by military police for unauthorized absence from service. Once I resumed my service, members of Law Enforcement Forces started contacting me at my base and harassing my parents at their home to try and convince me to withdraw my lawsuit. I refused initially, but agreed to drop the lawsuit after they threatened me and my family. My military service ended in approximately October 2009, when with the help of an acquaintance I received permanent exemption from military service on medical grounds.

10. In March 2013, during Norooz new-year holidays, I was arrested again while visiting the graves of my fellow protestors who were detained with me in Kahrizak. I was released after my uncle posted bail and I agreed to sign a pledge that I would refrain from talking about Kahrizak or associating with other victims or their families. A few months later, in July 2013, Saeed Mortazawi who was a prosecutor in Tehran at the time of our detention in Kahrizak, was acquitted of the charge of murder and only fined \$60 for false reporting of the events. I could not stay silent about these wrongful events and posted a long criticism on my Facebook page. A few days later, I started receiving threats that I should not speak about what happened at Kahrizak. Soon after, I found out that the security police had gone to my workplace; taken my belongings, including my laptop; and told the secretary that I had to surrender to the police on Nilufar street. I refused to surrender myself to the police and fled to Turkey. However, I was arrested in Turkish Cyprus and deported to Iran. The authorities confiscated my passport.

11. About a month later, on or about December 4, 2013, I successfully escaped to Turkey. My wife joined me in Turkey approximately three months later. My family and I have been living in exile in Turkey ever since then. Our daughter was born in Turkey and is now three years old.

12. My family and I are unable to return to Iran because of my political activities. I fear that if I return I will again be arrested, detained, tortured, and possibly even killed. I continue to be politically active as much as possible, in particular trying to seek justice for the Kahrizak victims.

13. My wife and I reached out to the Office of the UN High Commissioner for Refugees (UNHCR) soon after arriving in Turkey and sought to be admitted to a Refugee Admissions Program. After a lengthy interview and vetting process, UNHCR determined that my family and I had refugee status and provided us with documentation confirming our designation as refugees on or about December 2, 2015. Shortly afterwards, UNCHR referred us to the United States as candidates for resettlement through the U.S. Refugee Admissions Program (USRAP).

14. My family and I have completed virtually all of the interviewing and vetting process for USRAP and are awaiting travel documentation to be resettled to the United States. More specifically, on or about June 16, 2016, we completed our pre-screening interview for admission to the USRAP. We then successfully completed our USCIS interview on or about August 25, 2016. Our medical screening was originally scheduled for October 2016. However, we received a letter in October 2016 stating that the medical screening was going to be delayed to allow for additional administrative processing of our applications. My family and I were very distraught to learn that our applications were being delayed. In mid-March 2017, I received a phone call from the International Catholic Migration Commission (ICMC), notifying me that the medical screening and cultural orientation training for my family and I had been rescheduled for the following month. On April 18, 2017, my wife, daughter, and I successfully completed our medical screenings in Istanbul, Turkey. On April 19, 2017, my family and I completed our

cultural orientation training in Istanbul, Turkey. We received a document explaining how we would soon receive travel documentation and assistance from a resettlement agency in the United States.

15. Life in Turkey has been very difficult for my family and me. I continue to live in constant fear for my life because I believe that the Iranian Revolutionary guard has a lot of spies in Turkey and has easy access to Turkey. I am not authorized to work in Turkey, and have been struggling greatly to support my family. Every week my family and I have to show identification to the police to confirm that we are staying in the city where we live while we await admission to the United States. We are unable to travel outside the city where we live without prior permission from the authorities. This has made seeing our relatives very difficult. When some of my family tried to visit us last year from Iran, we were unable to meet them in Istanbul, and my family had difficulties traveling out to the city to see us. My wife and I are also very concerned about staying in Turkey for much longer because our daughter, who is now three years old, will be unable to attend school in Turkey.

II. Harm Suffered Due To January 27, 2017 and March 6, 2017 Executive Orders:

16. I am aware that, on January 27, 2017, President Trump signed an Executive Order (January 27 Executive Order) that impacts the refugee admissions process for citizens from certain countries, including Iran.

17. After the January 27 Executive Order was signed, the ICMC website posted a notice informing me that refugees and refugee applicants from Iran pending admission to the U.S. program could not travel to the United States due to the January 27 Executive Order. My family and I were very distraught when we heard this news. We had been waiting for this

opportunity for so long and it is our only hope to escape the horrible living conditions in Turkey and persecution in Iran.

18. I also am aware that President Donald Trump signed an Executive Order on March 6, 2017 (March 6 Executive Order) that negatively impacts the refugee admissions process for citizens from certain countries, including Iran, effective March 16, 2017. I am further aware that the March 6 Executive Order was enjoined shortly before it was supposed to go into effect. As a result, my application for admission to USRAP continued to be processed. As explained above, my family and I completed our medical screenings and cultural training orientations in April 2017.

19. On June 26, 2017 I learned that, as a result of a decision by the United States Supreme Court, the March 6 Executive Order would be reinstated against individuals who seek entry to the United States and who do not have a “bona fide relationship” with a person or entity in the United States.

20. My wife and I are very concerned that the reinstated Executive Order will prevent us from traveling to the United States. The closest family we have in the United States is my wife’s first cousin who lives in Los Angeles. I do not have any immediate family in the United States, nor do I have a current offer to study or work in the United States. My family and I have a sponsor in Minnesota through USRAP. We have not yet been assigned to work with a specific resettlement agency. We were informed that we would begin working with a resettlement organization once we receive our travel documentation.

21. My family and I have not received any communications from the government or ICMC about how the Supreme Court’s decision will impact our refugee applications. ICMC has a two hour window every day for refugee applicants like myself to call with questions. I have

tried calling ICMC almost every day since the Supreme Court's decision was issued, and have been unable to speak to anyone. I am just put on hold the entire time. Nor have I seen any notifications on the ICMC website explaining how the reinstated Executive Order will impact me and my family. Our sponsor has also been trying to contact the governmental agencies on our behalf but has been unable to receive any answers.

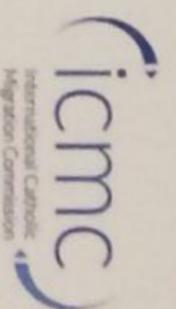
22. My family and I very much wish to live in the United States so that we can be free of the persecution in Iran and terrible living conditions in Turkey, and so that my daughter will be able to enroll in school and I can find stable employment to support my family. The constant uncertainty surrounding our refugee applications is very distressing for me and my family. It feels like the ability to start a new life in the United States is constantly being dangled in front of us and then taken away. At times it feels worse than the torture I had to endure in Iran. It is also very difficult for us to plan for the future. Our lease in Turkey is ending in two months, and if we are forced to renew our lease it will be expensive if we then have to break the lease to travel to the United States. We also feel like enforcing the Executive Order against me and my family now is especially unfair. We initially applied for the refugee program with several other individuals, all of whom have already received their travel documentation and relocated to the United States. We feel like we are just the unlucky ones who for whatever reason did not get our travel documentation finalized in time.

I, Reza Zoghi, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 04 day of July, 2017, in manisa, Turkey.



Reza Zoghi



In recognition of completion of an intensive three-day

Cultural Orientation

Course designed to provide U.S. – bound refugees with specific information and skills required for resettlement in the United States.

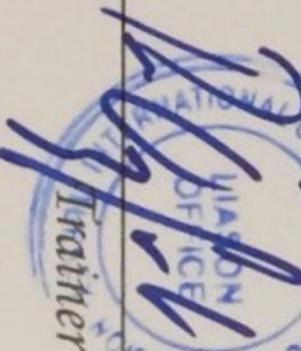
This certificate is presented to:

Reza Zoghi

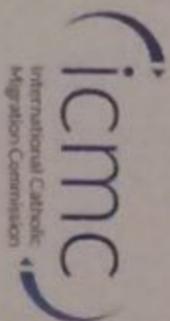
on the

21st day of April, 2017 in Istanbul

by:


Teacher


Head of Cultural Orientation



Having completed the three day training program I have learned about:

- ✓ **Travel**
 - The departure process, airport regulations, and importance of documents.
 - My responsibility for repaying my travel loan.
- ✓ **Role of the Local Resettlement Agency**
 - The roles and responsibilities of the resettlement agency.
 - Assistance for me and my family which is limited in the United States.
 - Assistance for me and my family which will vary by location.
 - My responsibility for my own successful resettlement.
- ✓ **Housing**
 - Receiving decent, safe and sanitary housing.
 - My housing which may be different from my expectations.
 - My housing and that I have rights and responsibilities.
- ✓ **Rights and responsibilities**
 - Following the laws of the United States.
 - My responsibility for adjusting my immigration status in the United States.
 - My choices which may affect my immigration status.
- ✓ **Education**
 - Learning English which is important to successful adjustment to the United States.
 - Schooling which is required until the age of 16 for both boys and girls and is free in public schools.
 - Opportunities for education must be weighed against the need to work.
- ✓ **Employment**
 - The expectation to find work to support me and my family.
 - Speaking English will help me be successful in the United States.
 - Having rights and responsibilities in the workplace.
 - Manage my money.
- ✓ **Health**
 - Bringing with me medications I am currently taking.
 - Receiving health screenings and the possible need for immunizations upon arrival in the United States.
 - The United States having different health care systems depending on where I live.
 - Being responsible for my health and that of my family.
- ✓ **Cultural Adjustment**
 - Experiencing many cultural differences between my traditions and those in the United States.
 - Sometimes being happy, sad, and lonely because of these experiences.
 - Finding ways of dealing with my emotions including talking to friends and caseworkers.
 - My family values being affected by resettlement.