

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

EBLAL ZAKZOK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States, *et al.*,

Defendants.

Civil Action No.: 1:17-cv-02969-GLR

DECLARATION OF FAHED MUQBIL

I, Fahed Muqbil, to the best of my knowledge, information and belief, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a United States citizen and an American Muslim. I was born in Yemen on February 16, 1994 and came to the United States with my family when I was approximately one year old. My mother is a U.S. permanent resident and my father is a U.S. citizen, and I was naturalized as a U.S. citizen on June 7, 1995. I grew up in Louisiana and currently reside in Mississippi. My parents and many of my siblings also live in Mississippi.

2. In 2012, I met and married my wife, who is a Yemeni national. My wife is also a Muslim. Together we have two daughters, R.M. and N.M., who were born in Yemen on March 22, 2013 and October 10, 2016, respectively. Both of our daughters are U.S. citizens.

3. After getting married, between 2013 and 2015, I traveled between Mississippi to complete my high school diploma and Yemen to be with my family. I graduated in May 2014 and intended to return to Yemen to be with my wife and older daughter, however, because of the war in Yemen, I was not able to return to Yemen until December 2015. My plan was to live with my family in Yemen until we could obtain a visa for my wife and passports for our daughters to relocate and permanently live in Mississippi. My wife and I wanted to petition for a visa for my wife prior to our younger daughter's birth, but we had trouble doing so because the U.S. Embassy in Yemen was closed due to the war.

4. N.M., my younger daughter, was born with meningomyelocele (spina bifida), a very serious birth defect with multiple co-morbid conditions. In her short life, she has developed hydrocephalus with VP shunt, Chiari II malformation, neurogenic bladder, hydronephrosis, infantile spasms, an epilepsy that is very difficult to control, dysphasia, and worsening vision. Possibly eighty-five percent of her brain is damaged and she is unable to pick up her head or move her feet.

5. N.M. was unable to receive adequate treatment in Yemen due to the war there. As a result, soon after she was born, on November 9, 2016, I went to Egypt with my wife and daughters to seek immediate, emergency treatment for N.M..

6. In Egypt, N.M. developed a condition called hydrocephalus, and fluids began accumulating in her head, causing her head size to increase dramatically and her vision to worsen. In order to get better medical treatment, I brought N.M. to the United States on May 8, 2017, leaving my wife and older daughter behind in Egypt.

7. In the United States, N.M. was immediately hospitalized at a children's hospital. Doctors there began treating her worsening hydrocephalus, a urinary tract infection, and her seizure disorder. To treat her hydrocephalus, the doctors put in a shunt connecting N.M.'s head with her kidney, in order to allow the fluids from her head to drain. After three weeks, she was discharged from the hospital. Two weeks later, she was hospitalized again for increasing seizure activity due to her epilepsy.

8. Currently, N.M. is under the care of a neurologist and is on constant medication. Since coming to the United States, she has undergone several life-threatening surgeries, and her doctors predict more surgeries may be needed. According to her doctors, her form of epilepsy carries a poor neurodevelopmental outcome, and she must be closely monitored for the rest of her life.

9. My wife has been in Egypt since November 2016. My older daughter R.M. has remained in Egypt with her, in part because, given N.M.'s illness, I cannot care for both daughters in the United States without my wife's assistance. We also did not want to separate my wife from both of her daughters – it has been incredibly difficult for my wife to be separated from N.M. N.M. is too sick to safely travel to Egypt, and so my wife and R.M. have not seen N.M. for nearly five months. I am currently with my wife and R.M. in Egypt while we navigate the visa process. I have not seen N.M., who is with my family in Mississippi, in two months. It is heartbreaking that I have needed to choose between being with my wife and older daughter or with my younger daughter.

10. My wife and I are anguished that she is not able to be with and to care for N.M., and are very worried that my wife might be permanently banned from

joining me and N.M. in the United States because of President Trump's Proclamation. As a result, my wife has suffered from depression. It is very painful for me to know that my wife is suffering such distress and to not be able to do anything about it.

11. My wife's absence has also made it very difficult for me to care for N.M.. Because of her illness, N.M. has regular doctors' appointments and takes constant medications. She has required frequent hospital visits and could require future emergency room visits. Although I have assistance from my parents and siblings in caring for N.M., they cannot care for her long term. I need my wife's help, and our daughter needs her mother.

12. As a result of my wife's absence and the significant care N.M. needs, I cannot work or attend college. I planned to study engineering at a local community college but those plans have remained on hold.

13. I submitted an I-130 Petition for Alien Relative for my wife in June 2017, and the petition was approved on August 17, 2017. My wife has an appointment for a visa interview in Egypt on October 10, 2017, and cannot enter the United States until her visa is approved following this interview. I understand that if my wife is not issued a visa before October 18, 2017 – when President Trump's Proclamation goes into effect – she will be indefinitely banned from the United States.

14. I was devastated when I heard about the Proclamation, and I am very worried at the thought of my wife being permanently banned from rejoining me and our young daughter in the United States. I miss living as a family with my wife and both daughters, and it has been very difficult to care for N.M. without the help – and emotional support – of my wife.

15. President Trump's Proclamation makes me feel as if I and my fellow American Muslims are unwanted, different, and somehow dangerous merely because of our religion. It paints me and my family as terrorists when we have done nothing wrong. I feel condemned and penalized for practicing Islam. President Trump's Proclamation treats me as a second class citizen simply because of my Islamic faith. My wife is not a "national security threat." She is a wife and mother who wants to be with her family—she just happens to be Muslim too.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Cairo, Egypt on October 9, 2017.


FAHED MUQBIL