APPENDIX A

is a U.S. citizen, a resident of Montreal, Canada, and a Muslim.
He is a graduate student at McGill University in Montreal, works as an Arabic teaching fellow, and frequently travels to New Jersey to visit his family. On August 6, 2009, (b) (6) sought to enter the United States from Canada with his wife and three-month-old daughter on a trip to visit his parents in New Jersey. After providing a CBP agent at the Champlain border crossing with the family's U.S. passports, (b) (6) and his family were held for over an hour of questioning and searches by CBP. Three CBP officers questioned (b) (6) and asked, "Do you go to the mosque?"; "Why?"; "How often?"; "What mosque?"; "Are you an Imam at the mosque?"; and "Are you Shi'a or Sunni?"

The August 2009 incident was not the first time that CBP officers subjected in to questioning about protected beliefs and practices. In April 2004,
returned to the United States from Yemen, where he was studying Arabic, in order to attend his sister's wedding. After arriving at Newark International Airport, he was pulled out of the passport control line by a CBP officer and taken to a room where he was questioned by three other CBP officers and asked, "Do you prefer Fox News or Al-Jazeera?" "How do you feel about the U.S. occupation in Iraq?" and "What are your attitudes regarding American policy in Israel?" He was held for questioning and searches by CBP for nearly three hours before being permitted to leave.

As a result of these experiences, (b) (6) feels that he must watch what he says while he is in the United States. He is reluctant to have open and honest conversations about political or potentially controversial topics in the United States, in contrast to Canada, where he feels comfortable expressing his opinions about the government and foreign policy.

is a U.S. citizen, a North Carolina resident, and a Muslim.
works for IBM. On July 8, 2010, he sought to return to the
United States from Canada by car with his wife, one-year-old daughter, and two other relatives, all of whom are U.S. citizens, following a one-day tourism trip. After the group provided their U.S. passports to a CBP officer at the Pacific Highway crossing in Washington state, the officer told (b) (6) to step out of the car and to put his hands behind his back. He was then handcuffed, patted down, and taken to a waiting room in the CBP facility. There, his cellphone was confiscated.

After waiting for about two hours, (b) (6) was taken to a room where he was questioned by CBP for about 45 minutes. The questions he was asked included: "Do you belong to any organizations?" During this questioning, mentioned that he had •reviousl visited the Pentagon and
CENTCOM for work purposes. (b) (6) was left in the room after questioning by CBP.

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Later, an FBI agent and an officer of Immigration Customs Enforcement ("ICE") came into the room to question (b) (6) The FBI officer began by asking about his "top level clearance." When (b) (6) explained
that he did not have security clearance, the FBI agent asked how he had been able to go to the Pentagon and CENTCOM. Apart from the fact that he had mentioned this visit during questioning by CBP, (b) (6) does not know how the FBI came to know of it. The FBI agent also asked: "What mosque do you attend?"; "How often do you attend the mosque?"; "So you don't consider yourself a religious person?"; "Does anybody [at the mosque] talk about going back to the motherland?"; "Do you give donations?"; "Don't you have to pay a certain amount of your money religiously?"; "q 336 -0.24give [dl_.178 -1251.0lq 331 6) e83me 2.6

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extremists. If a CBP Officer inquires as to a person's religious beliefs in order to uncover signs of extremist tendencies, that Officer is well within his authority."

felt violated and treated like a criminal suspect. As a result of this
experience, (b) (6) feels inhibited about discussing his faith and religious
practices publicly.

4. (b) (6) is a U.S. citizen, a California resident, and a Muslim. He works for Zaytuna College, a California-based institution of higher learning for Muslim scholars in training. (b) (6) has been questioned by CBP about protected beliefs, practices, and associations on a number of occasions.

On August 14, 2006, (b) (6) sought to return to the United States following a trip to attend a spiritual retreat in Yemen. After he presented his U.S. passport to two CBP officers, they escorted him to get his luggage and then to a room for questioning. A CBP officer questioned (b) (6) about the spiritual retreat, and then asked, "You seem to be from the States, but are you practicing?" A CBP officer also pointed to the business card of a Muslim religious leader in (b) wallet and asked him, "Is this the mosque you go to?" (b) (6) was
held for nearly two hours of questioning and searches before he was permitted to leave.

On December 31, 2007, (b) (6) his brother, and a friend sought to return to the United States at a border crossing near Detroit following a trip to attend a religious conference in Canada. After providing their U.S. passports to CBP officers, (b) (6) and his companions were ordered out of the car. CBP officers took them to a building whether they were each separately questioned. A CBP officer asked (b) (6) "How many times do you pray a day? Five or three?" The officer stated that he had served with the U.S. military in Iraq and then asked for his opinion about the Iraq war. (b) (6) was held for more than
three hours for questioning before he was permitted to leave.

In early August of 2009, (b) (6) sought to return to the United States after a trip to the United Kingdom during which he married his wife, a British citizen. After (b) (6) and his wife landed at Atlanta International Airport, two CBP officers stopped them at the gate, escorted them through passport control, and then took them to an office for questioning. The CBP officers asked
about his involvement with a Muslim student organization at the University of California, Irvine, including the capacity in which he was involved. CBP officers also took the contents of (b) (6) wallet and bag, and his and his wife's electronic devices, including his digital camera, their laptops, and their cell phones. (b) (6) and his wife were held for more than three hours for questioning, missed their connecting flight to Los Angeles, and were required to spend the night in Atlanta.

(b) (6)

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These experiences have made (b) (6) afraid to practice his Muslim faith in

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