

EXHIBIT 2

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

GHASSAN ALASAAD, NADIA)
ALASAAD, SUHAIB ALLABABIDI, SIDD)
BIKKANNAVAR, JÉRÉMIE DUPIN,)
AARON GACH, ISMAIL ABDEL-RASOUL)
AKA ISMA'IL KUSHKUSH, DIANE)
MAYE ZORRI, ZAINAB MERCHANT,)
MOHAMMED AKRAM SHIBLY, AND)
MATTHEW WRIGHT,)

Plaintiffs,)

v.)

KEVIN MCALEENAN, ACTING)
SECRETARY OF THE U.S. DEPARTMENT)
OF HOMELAND SECURITY, IN HIS)
OFFICIAL CAPACITY; JOHN SANDERS,)
ACTING COMMISSIONER OF U.S.)
CUSTOMS AND BORDER PROTECTION,)
IN HIS OFFICIAL CAPACITY; AND)
MATTHEW T. ALBENCE, ACTING)
DIRECTOR OF U.S. IMMIGRATION AND)
CUSTOMS ENFORCEMENT, IN HIS)
OFFICIAL CAPACITY,)

Defendants.)

Civil Action No. 17-cv-11730-DJC

Hon. Denise J. Casper

DECLARATION OF PLAINTIFF NADIA ALASAAD

1. I am a nursing student.
2. I am a U.S. citizen.
3. I reside in Massachusetts.
4. I am married to Ghassan Alasaad, a plaintiff in this lawsuit.
5. On July 7, 2017, my husband Ghassan and I drove with our daughters and other family members from Revere, Massachusetts, to Quebec for a family vacation. During our return trip on July 12, 2017, we entered the United States at the border crossing near Highgate Springs,

Vermont. My husband had an unlocked Samsung Note smartphone, and I had a locked iPhone 7 smartphone.

6. Our 11-year-old daughter was ill and had a high fever.

7. U.S. Customs and Border Protection (“CBP”) officers directed us to secondary inspection. My husband explained that our daughter was ill and needed care. Nevertheless, a CBP officer took my husband into a small room for questioning.

8. I observed a CBP officer in the waiting room manually searching my husband’s unlocked phone, which CBP officers had retrieved from our car.

9. My husband and I told a CBP supervisor that our daughter’s fever had worsened. The supervisor responded that we would have to continue waiting. My husband asked why our family was being detained and searched. The supervisor responded that he had simply felt like ordering a secondary inspection.

10. After approximately five hours of detention, a CBP officer ordered me to provide the password to my locked phone. My husband and I objected, especially because I wear a headscarf in public in accordance with my religious beliefs, and I had photos in my phone of myself without a headscarf on and of my daughters that I did not want any CBP officers, especially male officers, to view.

11. The CBP officer told us that if we did not disclose the password to my phone, the phone would be confiscated. We wrote down the password to my phone.

12. The officer coerced my husband and me into disclosing the password to my phone. Our family had already been detained in the customs inspection building for approximately five hours. The CBP officer threatened to confiscate the phone if we did not provide the password. My husband and I were increasingly concerned about our daughter, who was ill and urgently required care and rest.

13. After we disclosed the password, the officer told us that we could remain while our phones were searched, or depart and leave our phones behind. I told the officer that a male officer could not search my phone because it had photos of me without a headscarf on. The officer told us that it would take two hours for a female officer to arrive, and then more time to search the phone.

14. Based on what we were told, I understood that we would need to wait several hours for our phones to be searched. Exhausted and desperate to attend to our daughter's health, my husband and I and our family departed without our phones.

15. CBP officers coerced my husband and me into leaving our phones at the border, with the threat of several more hours of detention.

16. Our family departed after approximately six hours of detention.

17. I need my phone for daily responsibilities and my husband needs his phone for his work as a limousine driver. As a result, we had to spend over \$1000 to purchase two new phones.

18. Approximately fifteen days later, CBP returned the two phones to us.

19. On August 28, 2017, my 11-year-old daughter and I arrived from Morocco, where we had been visiting family, in New York's John F. Kennedy International Airport. I was not carrying my smartphone with me because I had lost it while traveling. My daughter was traveling with a locked iPhone 6+ smartphone.

20. CBP officers directed my daughter and me to a secondary inspection area. While questioning me, officers asked me to produce my phone. I informed the officers that I had lost it. Officers then searched my handbag and found the smartphone my daughter was using. The phone was locked.

21. CBP officers directed me to unlock the phone. I informed the officers that I did not know the password. The officers then directed my daughter to write down the password on a piece of paper. She did so.

21. CBP officers directed me to unlock the phone. I informed the officers that I did not know the password. The officers then directed my daughter to write down the password on a piece of paper. She did so.

22. My daughter was coerced into writing down the password to her phone, because she was an 11-year old obeying an instruction from an adult.

23. A CBP officer took the phone to another room for approximately 15 minutes.

24. While we were detained at JFK Airport, a CBP officer mentioned a photograph that had been on my phone on July 7, 2017, when that phone had been confiscated by CBP.

25. The CBP officers' searches of our phones made me very uncomfortable. I felt like the government had entered my house and searched every room without any warning or warrant.

26. I regularly travel internationally for personal reasons, and carry electronic devices with me when I do so.

27. To the best of my knowledge, since January 1, 2013, I have returned to the United States from an international trip at least 15 times.

28. At the current time, I intend to continue traveling internationally for personal reasons.

29. On or about the summer of 2019, my husband and I intend to travel to Egypt, Jordan, and/or Turkey for personal reasons.

30. On or about the summer of 2019, I may travel to Canada for personal reasons.

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

Dated: April 18, 2019



Nadia Alasaad