

APPENDIX A

FILED

OCT 11 2013

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MUHAMMAD ZAHID CHAUDHRY,

Plaintiff - Appellant,

v.

JANET A. NAPOLITANO, Secretary of
the United States Department of Homeland
Security; et al.,

Defendants - Appellees.

No. 10-36156

D.C. No. 2:09-cv-03097-LRS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, District Judge, Presiding

Argued and Submitted August 26, 2013
Seattle, Washington

Before: HAWKINS, McKEOWN, and CLIFTON, Circuit Judges.

Plaintiff Muhammad Zahid Chaudhry sought review of the USCIS's denial of his application for naturalization based on his active-duty service in the United States armed forces. *See* 8 U.S.C. § 1440(a). The district court granted summary

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

judgment in favor of the Government, concluding that Chaudhry could not demonstrate the requisite “good moral character,” 8 C.F.R. § 329.2(d), to be eligible for naturalization because he had given false testimony to obtain immigration benefits, 8 U.S.C. § 1101(f)(6). Reviewing de novo, we affirm. *See, e.g., Nev. Dep’t of Corr. v. Greene*, 648 F.3d 1014, 1018 (9th Cir. 2011) (“We review de novo the district court’s grant of summary judgment.”).

1. Chaudhry failed to establish a “genuine issue of material fact” regarding whether he gave false statements. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Drawing all inferences in favor of Chaudhry, we conclude that a reasonable factfinder would have insufficient evidence to find that Chaudhry lacked a “subjective intent to deceive.” *United States v. Hovsepian*, 422 F.3d 883, 887 (9th Cir. 2005); *see Anderson*, 477 U.S. at 249-50 (“If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted.” (citations omitted)). It was Chaudhry’s burden to prove by clear and convincing evidence that he was eligible for naturalization, *Berenyi v. Dist. Dir., Immigration & Naturalization Serv.*, 385 U.S. 630, 637 (1967), but the evidence in the record did not meet that burden of proof. *See Anderson*, 477 U.S. at 252 (“[T]he inquiry involved in a ruling on a motion for summary judgment . . . necessarily implicates

the substantive evidentiary standard of proof that would apply at the trial on the merits.”).

2. It was not improper for the district court to consider the events that were the subject of the false testimony at issue, even though those events occurred outside the statutory period.

AFFIRMED.

APPENDIX B

FILED

DEC 19 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MUHAMMAD ZAHID CHAUDHRY,

Plaintiff - Appellant,

v.

JANET A. NAPOLITANO, Secretary of
the United States Department of Homeland
Security; et al.,

Defendants - Appellees.

No. 10-36156

D.C. No. 2:09-cv-03097-LRS
Eastern District of Washington,
Spokane

ORDER

Before: HAWKINS, McKEOWN, and CLIFTON, Circuit Judges.

The panel has voted to deny the petition for panel rehearing. Judges McKeown and Clifton have voted to deny the petition for rehearing en banc, and Judge Hawkins has so recommended.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App.

P. 35.

The Petition for Panel and En Banc Rehearing are DENIED.

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 07 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MUHAMMAD ZAHID CHAUDHRY,

Plaintiff - Appellant,

v.

JANET A. NAPOLITANO, Secretary of
the United States Department of
Homeland Security; et al.,

Defendants - Appellees.

No. 10-36156

D.C. No. 2:09-cv-03097-LRS
U.S. District Court for Eastern
Washington, Spokane

MANDATE

The judgment of this Court, entered October 11, 2013, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Rhonda Roberts
Deputy Clerk

APPENDIX D

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) CHAUDHRY, MUHAMMAD ZAHID		2. DEPARTMENT, COMPONENT AND BRANCH ARMY/ARNG	
--	--	---	--

4. GRADE/RATE OR RANK SPC	4.b PAY GRADE E4	5. DATE OF BIRTH (YYYYMMDD) [REDACTED]	6. RESERVE TERM DATE Year 0000 Month 00 Day 00
-------------------------------------	----------------------------	--	--

7.a PLACE OF ENTRY INTO ACTIVE DUTY SEATTLE, WA	7.b HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) [REDACTED]
---	---

8.a LAST DUTY ASSIGNMENT AND MAJOR COMMAND 0181CSBN SPT CO C FC	8.b STATION WHERE SEPARATED FORT LBWIS, WA 98433
---	--

9. COMMAND TO WHICH TRANSFERRED NA	10. SGLI COVERAGE <input type="checkbox"/> None Amount: \$ 250,000.00
--	---

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 91X10 00 MENTAL HEALTH SPECIALIST--1 YRS-3 MOS//NOTHING FOLLOWS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">12. RECORD OF SERVICE</td> </tr> <tr> <td style="width: 20%;">a. Date entered AD This Period</td> <td style="width: 20%;">2003</td> <td style="width: 20%;">11</td> <td style="width: 20%;">15</td> </tr> <tr> <td>b. Separation Date This Period</td> <td>2005</td> <td>02</td> <td>29</td> </tr> <tr> <td>c. Net Active Service This Period</td> <td>0001</td> <td>03</td> <td>01</td> </tr> <tr> <td>d. Total Prior Active Service</td> <td>0000</td> <td>00</td> <td>00</td> </tr> <tr> <td>e. Total Prior Inactive Service</td> <td>0001</td> <td>24</td> <td>18</td> </tr> <tr> <td>f. Foreign Service</td> <td>0000</td> <td>00</td> <td>00</td> </tr> <tr> <td>g. Sea Service</td> <td>0000</td> <td>00</td> <td>00</td> </tr> <tr> <td>h. Effective Date of Pay Grade</td> <td>2001</td> <td>03</td> <td>14</td> </tr> </table>	12. RECORD OF SERVICE			a. Date entered AD This Period	2003	11	15	b. Separation Date This Period	2005	02	29	c. Net Active Service This Period	0001	03	01	d. Total Prior Active Service	0000	00	00	e. Total Prior Inactive Service	0001	24	18	f. Foreign Service	0000	00	00	g. Sea Service	0000	00	00	h. Effective Date of Pay Grade	2001	03	14
12. RECORD OF SERVICE																																				
a. Date entered AD This Period	2003	11	15																																	
b. Separation Date This Period	2005	02	29																																	
c. Net Active Service This Period	0001	03	01																																	
d. Total Prior Active Service	0000	00	00																																	
e. Total Prior Inactive Service	0001	24	18																																	
f. Foreign Service	0000	00	00																																	
g. Sea Service	0000	00	00																																	
h. Effective Date of Pay Grade	2001	03	14																																	

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)
 NATIONAL DEFENSE SERVICE MEDAL//GLOBAL WAR ON TERRORISM SERVICE MEDAL//ARMED FORCES RESERVE MEDAL W/M DEVICE//ARMY SERVICE RIBBON//NOTHING FOLLOWS

14. MILITARY EDUCATION (Course title, number of weeks and month and year completed)
 NONE//NOTHING FOLLOWS

15.a MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERAN'S EDUCATIONAL ASSISTANCE PROGRAM	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	15.b HIGH SCHOOL GRADUATE OR EQUIVALENT	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	16. DAYS ACCRUED LEAVE PAID	NONE
---	------------------------------	--	--	---	-----------------------------	------------------------------------	------

17. MEMBER WAS PROVIDED A COMPLETE DENTAL EXAM AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION Yes No

18. REMARKS
 DATA HEREIN SUBJECT TO COMPUTER MATCHING WITHIN DOD OR WITH OTHER AGENCIES FOR VERIFICATION PURPOSES AND DETERMINING ELIGIBILITY OF COMPLIANCE FOR FEDERAL BENEFITS. INDIVIDUAL COMPLETED PERIOD FOR WHICH ORDERED TO ACTIVE DUTY FOR PURPOSE OF POST SERVICE BENEFITS AND ENTITLEMENTS. ORDERED TO ACTIVE DUTY IN SUPPORT OF OPERATION ENDURING FREEDOM LAW 10 USC 12302. MEMBER HAS COMPLETED PERIOD FULL TERM OF SERVICE. PERIOD OF DUTY: 20031115-20050229. PLACE OF DUTY: SEATTLE WA//FORT LBWIS WA//SOLDIER DID NOT SERVE IN AN IMMEDIATE DANGER PAY AREA//NOTHING FOLLOWS

7446286
 Page: 2 of 2
 03/21/2005 03:40P
 Yakima Co, WA


MUHAMMAD ZAHID CHAUDHRY DISCH 00.00

19.a MAILING ADDRESS AFTER SEPARATION (include Zip Code) [REDACTED]	19.b NEAREST RELATIVE (Name and address, include Zip Code) ANN CHANDLER [REDACTED]
---	---

20. MEMBER REQUESTS COPY 4 BE SENT TO (NA, DRG OR VET AFFAIRS) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) JOHN W. ABEL, CPT, CENTER TRANSITION CENTER
21. SIGNATURE OF MEMBER BEING SEPARATED [Signature]	

SPECIAL ADDITIONAL INFORMATION (For use by commanding agencies only)		
23. TYPE OF SEPARATION RETIREMENT	24. CHARACTER OF SERVICE (Include orders) HONORABLE	
25. SEPARATION AUTHORITY AS 435-10, PARA 2-2.4B(2)	26. SEPARATION CODE SEK	27. REENTRY CODE 3
28. NARRATIVE REASON FOR SEPARATION RELIABILITY, TEMPORARY		
29. DATES OF TIME LOST DURING THIS PERIOD NONE	30. MEMBER REQUESTS COPY 4 [Signature] (Initials)	

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) CHAUDHRY MUHAMMED ZAHID		2. DEPARTMENT, COMPONENT AND BRANCH ARMY/ARNG		3. SOCIAL SECURITY NO. [REDACTED]	
4. GRADE, RATE OR RANK SFC	4.5 PAY GRADE E4	5. DATE OF BIRTH (YYYYMMDD) [REDACTED]		6. RESERVE OBLIG. TERM. DATE Year 2009 Month 03 Day 13	
7.a PLACE OF ENTRY INTO ACTIVE DUTY YAKIMA, WA			7.b HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) [REDACTED]		
8.a LAST DUTY ASSIGNMENT AND MAJOR COMMAND W3VZ E 187 MED BN CTR BDE TR MC			8.b STATION WHERE SEPARATED FORT SAM HOUSTON, TX 78234-5028		
9. COMMAND TO WHICH TRANSFERRED CO C 181ST SPT BN SEATTLE WA 98119			10. SGLI COVERAGE <input checked="" type="checkbox"/> None Amount: \$		
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 91X10 MENTAL HEALTH SPECIALIST--0 YRS-0 MOS //NOTHING FOLLOWS		12. RECORD OF SERVICE			
		a. Date entered AD This Period	Year(s)	Month(s)	Day(s)
		b. Separation Date This Period	2002	03	22
		c. Net Active Service This Period	2002	08	29
		d. Total Prior Active Service	0000	07	08
		e. Total Prior Inactive Service	0000	00	00
		f. Foreign Service	0000	00	00
		g. Sea Service	0000	00	00
h. Effective Date of Pay Grade	2002	03	14		
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) ARMY SERVICE RIBBON//NOTHING FOLLOWS					
14. MILITARY EDUCATION (Course title, number of weeks and month and year completed) MENTAL HEALTH SPECIALIST COURSE, 19 WEEKS, AUG 2002//NOTHING FOLLOWS					
15.a MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERAN'S EDUCATIONAL ASSISTANCE PROGRAM		Yes	No	15.b HIGH SCHOOL GRADUATE OR EQUIVALENT	
			<input checked="" type="checkbox"/>	Yes	
				No	
				<input checked="" type="checkbox"/>	
16. DAYS ACCRUED LEAVE PAID				NONE	
17. MEMBER WAS PROVIDED A COMPLETE DENTAL EXAM AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION					
Yes <input checked="" type="checkbox"/> No					
18. REMARKS DATA HEREIN SUBJECT TO COMPUTER MATCHING WITHIN EDD OR WITH OTHER AGENCIES FOR VERIFICATION PURPOSES AND DETERMINING ELIGIBILITY OR COMPLIANCE FOR FEDERAL BENEFITS//NOTHING FOLLOWS					
 <div style="float: right; text-align: right;"> 7290613 Page: 2 of 4 89/83/2982 12:18P Yakima Co. WA </div>					
19.a MAILING ADDRESS AFTER SEPARATION (Include Zip Code)			19.b NEWS ADDRESS (Include Zip Code)		
[REDACTED]			[REDACTED]		
20. MEMBER REQUESTS COPY BE SENT TO (NA, DP OF VET AFFAIRS)		Yes	No	22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature)	
		<input checked="" type="checkbox"/>		[Signature] JANICE BROWN, GS07 ARMY MIL PERS TECH	
21. SIGNATURE OF MEMBER BEING SEPARATED [Signature]					

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)			
23. TYPE OF SEPARATION RELEASE FROM ACTIVE DUTY TRAINING		24. CHARACTER OF SERVICE (Include applicable) HONORABLE	
25. SEPARATION AUTHORITY MEPS SENT TERM ORDERS 044-3 QTD 010316		26. SEPARATION CODE NA	27. REENTRY CODE NA
28. NARRATIVE REASON FOR SEPARATION COMPLETION OF PERIOD OF ADT			
29. DATES OF TIME LOST DURING THIS PERIOD NONE			30. MEMBER REQUESTS COPY (initials)

APPENDIX E



American-Arab Anti-Discrimination Committee
1732 Wisconsin Ave., NW | Washington, DC 20007 | www.adc.org
Tel: 202-244-2990 | Fax: 202-244-7968 | Email: adc@adc.org

Board of Directors

Safa Rifka, MD, Chair
George Gorayeb, Vice Chair
Assad Jebara, Treasurer
Ashley Mammo, Esq., Secretary
Asli U. Ball, Esq.
Shafiq Budron, Ph.D.
Cheryl J. Faris, JD
Thomas Tony George
Sam Hawatmeh, MD
Sawsan Khoury
Jamilah Shami
Nabih Ayad, Esq.
Linda Mansour, Esq.

Hon. Mary Rose Oakar, President
Kareem Shora, JD, LL.M., National
Executive Director
Hon. James Abourezk, Esq.,
Founder

Advisory Committee
Assad Jebara, Chairman

Honorary Co-Chairs
HE Clovis Maksoud, PhD
Musa Y. Nasir, MD
Her Majesty Queen Noor
The Most. Rev. Metropolitan PHILIP
Ahmad Sbalti, PhD

Regional Co-Chairs
Hani Findakly, PhD
Y.M. Basha, MD
Sam Hawatmeh, MD
Mohannad Malas

Advisory Committee Members
Fakhri Al-Barzinji
Mokhless Al-Hariri, PhD
Khalid Ataya, MD
Tawfiq Barqawi
Rafic Bizri
Don Bustany
Marilyn Harris Dabaghi
Leila Deeb
Hassan Essayli
Halfa Fakhouri, PhD
Joseph Halek
Badr Jebara
Elizabeth Jebara
Casey Kasem
Samer Khanachet, PhD
Radwan Khoury, PhD
Wael Khoury, MD
Adel B. Korkor, MD
Adnan E. Mourany, MD
Farah Munayyer
Wafa Nasr
Denyse Sabagh, Esq.
Anthony Saldy, MD
Harold Samhat
Anthony Shaker
Jack Shaheen, PhD
Yasir A. Shallal
Norman Tanber
Omar Turbl

In Memoriam
Hala Salaam Maksoud, PhD
(1943-2002)
Alex Odeh
(1944-1985)

February 26, 2009

Timothy J. Keefer
Acting Officer
Office for Civil Rights and Civil Liberties
US Department of Homeland Security

Kindly consider this letter as a formal complaint and request for investigation on behalf of the American-Arab Anti-Discrimination Committee (ADC) in reference to Operation Frontline and the disparate impact it had on the Arab and Muslim immigrant and non-immigrant communities in our nation. ADC is also respectfully requesting a full and comprehensive investigation by DHS CRCL into Operation Frontline.

Enclosed please find the press release issued by ADC and Yale Law School on October 20, 2008 on Operation Frontline. The press release provides a detailed chronology of ADC's involvement with the Operation, when it was coined by the media as the "October Plan" in 2004. Below is also a brief summary of actions taken by ADC to get more information about the Operation:

- 1) In November 2004, ADC requested a nationality breakdown of those arrested by ICE, in connection with the operation, then known as the "October Plan," in response to the community's concerns and based on significant media coverage that the community is being subject to racial, national origin or religious profiling.
- 2) On December 14, 2004, ADC filed a Freedom of Information Act (FOIA) request to gain access to data on the nationalities of those arrested, and determine the percentage of Arabs, South Asians and Muslims who are affected.
- 3) On March 3, 2005, ADC filed an administrative appeal with the DHS Privacy Office.
- 4) On February 8, 2006, represented by Kirkland & Ellis, LLP, ADC filed a new FOIA request, to which DHS never responded.
- 5) On October 17, 2006, ADC filed a lawsuit against DHS and its component ICE in the U.S. District Court for the District of Columbia, with the goal of the disclosure of government records concerning the national origin, ethnicity, race, religion, and gender of the individuals detained under the "October Plan."

The Yale Law School National Litigation Project also filed FOIA requests to get more information on the operation on October 11, 2006, and filed a lawsuit on November 21, 2006 in the U.S. District for the District of Connecticut. In partial settlement of the Yale's lawsuit, US Immigration and Customs Enforcement (ICE) released hundreds of records on Operation Frontline, including the first public data on the program and a statistically scientific random sample of 300 Operation Frontline investigation files. *With the release of the information, there is no pending litigation involving this specific matter at the current time.*

Information on the Operation:

According to the documents released by ICE, the implementation of Operation Frontline started in May 2004 "to support the government-wide Interagency Security Plan" in order



American-Arab Anti-Discrimination Committee
1732 Wisconsin Ave., NW | Washington, DC 20007 | www.adc.org
Tel: 202-244-2990 | Fax: 202-244-7968 | Email: adc@adc.org

to “detect, prevent, and disrupt terrorist activities.” This was allegedly performed “through targeted enforcement and reassignment of resources.” The second phase of the Operation started effective October 4, 2004, one month before the 2004 Presidential elections, and lasted until the Inauguration in 2005. The Office of Investigations implemented the second phase by combining ICE resources, intelligence and authorities with the support from the Detention and Removal Operations, and the National Fugitive Operations Program.

The released documents also revealed a close coordination and sharing of information between ICE and FBI. According to the documents, ICE analyzed “data sets to identify persons with possible issues related to national security and immigration violations. ICE then generate[d] leads for ICE field offices to further develop violations and remove persons in violation.” The documents further stated, “both initiatives have significant potential to enhance the ability to detect, disrupt, and dismantle terrorist cells operating within the United States.”

Moreover, according to the Office of Management and Budget’s Program Assessment Rating Tool for Fiscal Year 2006, with an eye on the programs implemented under DHS, Operation Frontline is explained as a program “designed to detect, deter, and disrupt terrorist operations” leading up to the Presidential elections through the 2005 Inauguration. “[The Office of Investigations] OI continuously responds to shifting and evolving threats to effectively target the highest priorities. The National Security Investigations Division (NSI) recently partnered with the FBI to support its analytical “Fall Threat” initiative and, simultaneously, formed, funded and staffed “Operation Front Line,” to address potential vulnerabilities in immigration and trade systems relative to the national security of the United States.”

Finally, in a briefing by the ICE National Security Division on Operation Frontline in front of the Subcommittee on Immigration, Border Security and Claims, on November 10, 2004, the mission of Operation Front Line was “apply[ing] real-time threat information to detect, prevent, and disrupt terrorist activities.” The briefing went on to explain that the “two major elements to Frontline [were]: 1. Exploiting unique information databases, including SEVIS, NSEERS, US VISIT, and tactically act upon that information, [and] 2. Dynamic intelligence driven enforcement initiatives of Immigration and Customs Laws resulting in the prevention and disruption of terrorist travel both domestically and abroad.”

Disparate Impact on the Community:

ICE released a statistically scientific random sample of 300 Operation Frontline investigation files. The random sample established that **79 percent of those investigated were from Muslim-majority countries**, most notably from Pakistan, Turkey, Morocco and Egypt. Those investigated also include lawful permanent residents. Also, according to statistics released by the Department of Homeland Security for FY 2005, people from the countries targeted by Operation Frontline comprise less than .003% of deportable aliens nationally. Based on the random sample proffered by ICE, the statistics released by DHS on deportable aliens then confirm that citizens from **Muslim majority countries were 1,280 times more likely to be targeted by Operation Frontline** than citizens from other countries.

These results run contrary to what ICE stated publicly regarding the structure and nature of Operation Frontline, mainly that “[r]ace, religion or ethnicity were not criteria used in identifying or arresting the violators [of immigration law].” ICE also stated that Operation Frontline “focused on immigration violators that may have posed an enhanced public safety or national security threat, [and that the] arrests were predicated on violations of immigration law.”

The questions used during the investigations leave little doubt as to whether criteria of religion or ethnicity were factors in the program. In fact, there were questions about:

- 1) The amount of times alien visits the local mosque,
- 2) The number of times alien prays,
- 3) The level of alien’s “religiosity”,
- 4) The attendees of the local mosque,
- 5) The conversations transpired at the local mosque, and



American-Arab Anti-Discrimination Committee
1732 Wisconsin Ave., NW | Washington, DC 20007 | www.adc.org
Tel: 202-244-2990 | Fax: 202-244-7968 | Email: adc@adc.org

6) Whether alien was recruited by Muslim fanatics.

Other questions included the knowledge or possession of any specialized skills, such as chemical knowledge, scuba diving or driving license; the ownership of any guns, explosives, chemical/ bio component; the wire of money transfer—which was mostly sent to aliens' families overseas; bank accounts; travel patterns; **information on rallies or demonstrations**; information of aliens' friends in Physics or Chemistry departments on campuses; and **aliens' opinion of the United States** to which an alien responded that [he/she] was “living the American Dream, and cared greatly for the equal opportunities, rights and values that are afforded in America.”

The success of Operation Frontline in preventing terrorist activities is also in doubt. In short, the program either shed light on individuals who had not complied with SEVIS, mainly failure to enroll in/ register for classes, or for early withdrawal, all of which are considered minor immigration violations. Moreover, many of the investigations' conclusory statements speak volume of the null level of success of Operation Frontline's initial mission. Below is a sample of recurring statements in the investigations:

- Outside agency checks revealed no derogatory information
- There are no further leads at this time, case closed.
- [It] did not uncover any information that would indicate [that subject] is currently engaged in activities that could constitute a threat to national security
- No Evidence of an ICE related violation was discovered.
- “SA[Special agents] ... confirmed that there was nothing in [blacked out info] to corroborate National Security Interest in [blacked out info] and recommended that the case be closed.”
- Record checks including vetting through [blacked out info] were conducted with negative results.
- Investigative has determined subject poses no known risk to the national security of the United States.
- No derogatory information was obtained from the ...interview.
- No further investigation is warranted at this time.
- Office will close this case

In some cases, there did not even seem to be investigative leads. For instance, in one case, a “requested investigation was initiated in *an attempt* to determine [...] current immigration status, and whether or not [blacked out info] is removable at this time.” This statement was followed by the fact that “[n]o ICE violations (criminal or administrative) have been identified.”

Conclusion:

In the aftermath of 9/11, federal immigration law was used as one of the tools designed to detain individuals suspected of having ties to terrorism but with no evidence or charges related to such ties. Most notably, in the year following the attacks, 762 aliens from Arab and Muslim countries were detained based on the FBI's assessment that these individuals were connected to terrorism. In some cases, the FBI did not possess concrete evidence to substantiate such assessment nor file any charges; rather, it opted to detain these individuals until they are cleared by immigration authorities. The result of this practice led to the release of many who were eventually not charged with any criminal or immigration violations, and to the charging of others for mostly civil immigration law violations, ultimately leading to their detention and deportation. It has also been established that some of these violations did not warrant deportation in the pre 9-11 world.

Similar practices burgeoned in the post 9-11 era, and resurfaced in spite of the rather null level of success and effectiveness in finding terrorists or those connected to terrorism. The National Security-Entry Exit Registration System (NSEERS); commonly known as the “Special Registration Program,” was another practice where immigration law was used as a counterterrorism tool with no real success. Similar to previous practices, the end result of NSEERS was the



American-Arab Anti-Discrimination Committee
1732 Wisconsin Ave., NW | Washington, DC 20007 | www.adc.org
Tel: 202-244-2990 | Fax: 202-244-7968 | Email: adc@adc.org


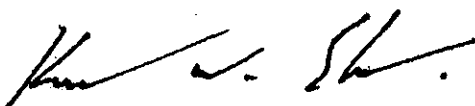
deportation of thousands of individuals, with not a single individual being charged with a terrorism related crime. Similarly with Operation Frontline, not a single individual was charged with terrorism related crimes.

As documented in the past eight years, such selective enforcement on a particular segment of the population did not render our country any safer and resulted in further alienation and mistrust between federal law enforcement and the Arab, Muslim, and South Asian populations. There were in fact no actual or investigative leads used to identify those aliens.

These practices have also been found to be costly, wasting government resources, ineffective in finding terrorists, in violation of the rights of non-citizens, and finally counterproductive as they cast a wide net on the Arab and Muslim communities, treating them as suspects, and alienating the very communities, whose skills and cultural understanding are currently most needed in the legitimate efforts to keep our nation safe.

Finally, ADC respectfully requests 1) a complete and comprehensive investigation into Operation Frontline and its impact on the Arab, Muslim, and South Asian communities, and 2) a public explanation from DHS, particularly in view of the repeated public statements issued by ICE in relation to Operation Frontline in 2004, and in light of the continuous and repeated assurances that the agency does not engage in racial profiling practices.

Sincerely,



Kareem W. Shora, JD, LL.M.
National Executive Director

Fahed Al-Rawaf, JD
Legal Advisor

Cc: David Gersten, DHS CRCL
Sahar Aziz, DHS CRCL
Shaarik Zafar, DHS CRCL
Civil.liberties@dhs.gov
ADC Legal Department

Enc.: October 20, 2008 Joint ADC / Yale University School of Law Press Release

APPENDIX F

Continental Airlines  PTKT

Continental Airlines 

Name: CHAUDHRY / MUHAMMAD
Date: 08JAN
OnePass: 08525357
VTBHFV

~~8888~~
Name: CHAUDHRY / MUHAMMAD
Date: 08JAN
OnePass: 08525357
Mileage: 1874 MILES

Flight: 00 17761

Q ID Flight: 00 17761

Gate: B11

Seat: 3BY

Gate: B11 Seat: 3BY

TSA-SEA

Depart: 10:00
Arrive: 11:00
Board Time: 10:55A

PRINTED IN U.S.A. BY MAGNETIC TICKET & LABEL CORP. BALDWIN, NY. Rev. 6-88 307 A B C D

Please provide optional contact information on the reverse of this boarding pass.

PAID PAPER T&I

BOARDING PASS

08525357

Instant Travel™

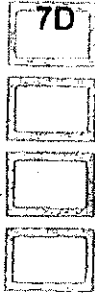
Alaska Airlines / Horizon Air

BOARDING PASS

FLIGHT COUPON REQUIRED

CHECK ID

Seat	Flight	From	To	Boards	Gate	Date
7D	243	Y SAN FRANCISCO	SEATTLE TACOMA	930P	22	FEB22



S



CHAUDHRY/MUHAMMAD MR

Earn Bonus Miles with 24-Hour Web Check-In at alaskaair.com

4KL/SFO

SSSS

APPENDIX G



DEPARTMENT OF THE ARMY
MADIGAN ARMY MEDICAL CENTER
TACOMA, WASHINGTON 98431

REPLY TO
ATTENTION OF: SSG ST CLAIR 8-1361

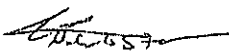
MCHJ-MCED

30 Jan 2004

MEMORANDUM FOR PSG of SPC M. Chaudhry

SUBJECT: Recommendation for Promotion Consideration

1. SPC Chaudhry has been under my supervision from 15-30 January, 2004. During that period, he worked every day including weekends other than 25-26 Jan.
2. While this is a short period of time, the experience I have had with SPC Chaudhry has compelled me to write this memorandum. This may be a small consideration, but hope that the inclusion of this memorandum in SMs file will assist him in gaining promotion.
3. SM has demonstrated technical proficiency in his MOS, showing both interest and competency in various aspects of inpatient and outpatient mental health. He has striven for greater experience in aspects of mental health that will be most closely related to his deployment responsibilities.
4. SPC Chaudhry has demonstrated maturity and leadership responsibility. Even though he is not an NCO yet, SPC Chaudhry has shown that he has the ability and desire to take care of other soldiers. Additionally, he has undertaken to make his section ready for deployment with limited resources.
5. I strongly believe that SPC Chaudhry will make a great NCO if given the opportunity. He already shows the traits and desire necessary to do so.
6. Point of contact is the undersigned at Office: 968-1361, Pager: 280-8578, Cell 224-2078.


NICHOLAS D ST CLAIR
SSG, USA
MPT DIRECTOR

Honorable Discharge



FROM THE ARMED FORCES OF THE UNITED STATES OF AMERICA

This is to certify that
MUHAMMAD ZAHID CHAUDHRY [REDACTED] SPECIALIST
COMPANY C 181ST SUPPORT BATTALION

was Honorably Discharged from the

Army National Guard
of WASHINGTON

and the Reserve of the Army

on the 25TH day of FEBRUARY 2005. This certificate is awarded
as a testimonial of Honor and Faithful Service

*This discharge does not relieve the individual named herein from any unfulfilled obligation to perform military service which may be imposed on him/her by law.



Rita J. Vacek
RITA J. VACEK
CW4, WARRNG



CERTIFICATE OF RETIREMENT
FROM THE ARMED FORCES OF THE UNITED STATES OF AMERICA

To all who shall see these presents, greeting:
This is to certify that

SPECIALIST MUHAMMAND Z. CHAUDHRY

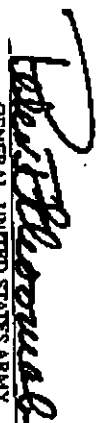
having served faithfully and honorably,
was retired from the

UNITED STATES ARMY

on the **NINTH** day of **MAY 2006**

Washington, D.C.




GENERAL, UNITED STATES ARMY,
CHIEF OF STAFF

No.
IN THE
SUPREME COURT OF THE UNITED STATES
Muhammad Chaudhry - Petitioner, *pro se*
vs.
Jeh Johnson, *et al* - RESPONDENTS

CERTIFICATE OF SERVICE

I, Ann Chaudhry, declare that on March 17, 2014, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR A WRIT OF CERTIORARI on the party listed below by depositing an envelope containing the above documents, including all Appendices, etc. on the United States mail properly addressed and with first-class postage prepaid.

Jeh Johnson, Secretary
Secretary of Homeland Security
Washington, D.C. 20528

CERTIFICATE OF COMPLIANCE

The length and other formatting requirements are in compliance: the document is less than 40 pages excluding pages preceding Page 1 and Appendices; font used is Century, size 12, double spaced with exception of footnotes and indentations. The word count according to Microsoft Office Word count method is 8,954.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on March 17, 2014.

