

Stephen Manning (SBN 013373)
stephen@innovationlawlab.org
Nadia Dahab (SBN 125630)
nadia@innovationlawlab.org
INNOVATION LAW LAB
333 SW Fifth Avenue #200
Portland, OR 97204
Telephone: +1 503 241-0035
Facsimile: +1 503 241-7733

Attorneys for Plaintiffs

Karen C. Tumlin (admitted *pro hac vice*)
karen.tumlin@justiceactioncenter.org
Esther H. Sung (admitted *pro hac vice*)
esther.sung@justiceactioncenter.org
JUSTICE ACTION CENTER
P.O. Box 27280
Los Angeles, CA 90027
Telephone: +1 323 316-0944

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

JOHN DOE #1; JUAN RAMON MORALES;
JANE DOE #2; JANE DOE #3; IRIS
ANGELINA CASTRO; BLAKE DOE;
BRENDA VILLARRUEL; and LATINO
NETWORK,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; KEVIN MCALLENAN, in his
official capacity as Acting Secretary of the
Department of Homeland Security; U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; ALEX M. AZAR II, in
his official capacity as Secretary of the
Department of Health and Human Services;
U.S. DEPARTMENT OF STATE;
MICHAEL POMPEO, in his official capacity
as Secretary of State; and UNITED STATES
OF AMERICA,

Defendants.

Case No.: 3:19-cv-01743-SB

**DECLARATION OF JANE DOE #3 IN
SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

Declaration of "Jane Doe"

I, "Jane Doe", upon my personal knowledge, hereby declare as follows:

1. I am a United States citizen who was born in Los Angeles, California, in [REDACTED].
2. I currently live in Los Angeles, California.
3. I am unable to work due to a disability. Due to my disability, I have subsidized health insurance through Medi-Cal.
4. I have sponsored an immigrant visa application for my husband, so that we may finally live together here in the United States. We expect the Consulate to schedule an immigrant interview within the next few months.
5. My husband is a German citizen who currently lives in Berlin, Germany. Trained as an architect, my husband teaches architectural theory.
6. I first met my husband when he was in Los Angeles for a prestigious artist-in-residence program in 2006. After he returned to Germany, we had an off and on relationship until 2012. After we reconnected again a few years ago, we knew we wanted to be married. My husband and I were married in Los Angeles in February of 2018.
7. My husband and I decided that we would live together in the United States rather than Germany. My desire to stay in the Los Angeles area is very strong. I am very close to my immediate family. I live on the same property as my brother, his wife, and their two children, and the rest of my immediate family lives nearby. My grandmother, who is a Holocaust survivor, is still living, and as long as she is living I want to be nearby.
8. I applied for my husband to come to the United States in July 2018. USCIS approved my Form I-130 family-based petition in April 2019.
9. Since then, my husband and I have been working to gather the documents required for consular processing. Several times, we thought we had all of the paperwork submitted, but the government then requests additional, and different information from us.
10. Although I knew the immigration process would be difficult and require patience, I have been very discouraged by the October 4 Presidential Proclamation. I don't

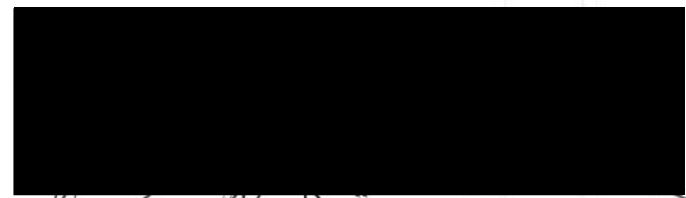
feel hopeful because, although we are self-sufficient, I do not believe we will be able to meet the new requirements of the Presidential Proclamation.

11. I do not know how we would be able to prove at a consular interview that my husband would be covered by approved health insurance within 30 days of his entry into the United States. At the time of the consular interview, his entry date will be at an unknown date in the future. I know that he cannot be added to my Medi-Cal health insurance. Even if he were able to obtain health insurance through an employer in the United States, I do not see how we could prove that at a consular interview. My husband speaks English and German fluently, so his employment prospects in Los Angeles are good, but it is hard to have a plan for employment when we don't know when he will be permitted a green card. How can he apply for a job in the United States when he does not know when he will enter? How can he possibly prove that he will be insured within 30 days of entry when he does not know when he will enter?
12. Neither my husband nor I have the financial resources to afford health insurance, in the short-term at least, for my husband or to pay his foreseeable medical expenses out of pocket. My husband has multiple sclerosis, and his treatments are expensive.
13. My husband currently has German health insurance coverage that covers the cost of his treatments. Through investigation, we have learned that he will be unable to receive that coverage if he emigrates to the US. When my husband has visited the United States, he has purchased traveler's insurance. It is our understanding that he is not eligible for that insurance if he is moving to the United States, not just visiting.
14. It is my understanding that Medicare is not an option for health insurance for my husband because he is not over 65 years old and because he has not been living in the United States continuously for five years. Because I have never served in the U.S. military, TRICARE is not an option for us. I understand that short term limited duration plans are not legal in California. My husband has no other family members in the United States who could add them to their health insurance plans.

15. I have already been living apart from my husband for almost two years. Being married and living in different countries has been miserable. Living apart is a true hardship. We miss each other so very much. Although we talk often, it is no substitute for being together, and we rarely get to see one another. We have to incur travel expenses when one of us visits the other. I have had to go into debt to see my husband.
16. It is depressing and a struggle every day to be apart and missing each other. It's even worse when we cannot be together for holidays and special occasions. Thanksgiving is my favorite holiday, and my husband will not be here to celebrate with me and his new family. Our anniversary is at the end of February, and it looks like we will be apart for that as well.
17. I am also so sad that my husband cannot join me at family events. My family is very close, and we gather for family events at least once a month. My husband is missing out on all of these family events.
18. Because he is not here, my husband cannot join me on visits to see my grandmother. He and my grandmother speak German together. No one else in my immediate family speaks German. My husband would be able to talk with her if he were here. My grandmother and my husband are both so important to me, and it breaks my heart to think that he may miss the chance to get to spend time with her. She is 96 years old.
19. Having my husband living with me in the United States would be helpful in every possible way. My disability makes it difficult for me to keep up with household tasks, and having my husband's help would make my life much better. For example, although I can wash dishes and clean my house, I cannot keep up with these chores on my own due to my disability. My husband would also contribute to our household financially. He has already started looking at job postings in Los Angeles, and he is eager to begin working. Moreover, because we would be living near my family, my husband and family would be able to get to know each other better. Mostly, though, I am looking forward to living together in the United States because we are in love. Being together would make me so happy.

20. We talk about what it will be like to live together all of the time. We enjoy each other's company so much, and we are so excited to be together. I feel more myself when I am with him, and that makes it all the more devastating to be apart.
21. My husband and I started this process more than a year ago, and I feel like the Presidential Proclamation is an unexpected and absurd change in the rules. I think the Presidential Proclamation means that unless you are rich, you cannot come into this country. The Proclamation feels like it is imposing an impossible hurdle. We thought we had already demonstrated that we had sufficient financial resources through the affidavit of support, but now we are being asked to prove even more. It is impossible to expect us to prove that he will be insured within thirty days of his entry when we do not even know when he will enter, so really the Proclamation requires us to show that we can pay his medical expenses out of pocket. Who can do that in the United States except the rich?
22. If we were Danish, or French, or Polish, we could be together with no problem. But because I am an American and he is not, we cannot be together. It is so upsetting that I try not to think about it.
23. I am willing to serve as a class representative on behalf of those who are similarly situated to me and cannot have family members join them in the United States because of the Presidential Proclamation.
24. I know that if the class is certified I will be representing more than just myself in this case. I have spoken with the lawyers who represent me about what being a class representative means. I want to help everyone in my situation because we are all suffering due to the unfair Presidential Proclamation.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed at Los Angeles, CA on November 5, 2019.

A large black rectangular redaction box covers the signature area. Below the box, the handwritten signature "Jane Doe" is visible.