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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 JOHN DOE #1 IN
SUPPORT OF PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

Declaration of John Doe #1

I, John Doe #1, upon my personal knowledge, hereby declare as follows:

1. I am a United States citizen of Mexican origin. I became a naturalized citizen on November 29, 2011.
2. I currently live in Beaverton, Oregon, with my wife and [REDACTED] United States citizen son. I am no longer able to work due to disability.
3. I currently have insurance through the Oregon Health Plan (“OHP”). My son and I both have coverage under OHP. It is Oregon’s Medicaid program. Since I can no longer work, I cannot get insurance through an employer or afford private health insurance.
4. I have sponsored an immigrant visa application for my wife so that she can have lawful status to live and work in the United States.
5. My wife is a national of Mexico, and currently resides with me in Beaverton, Oregon. My wife and I have been married since 2003.
6. I applied for my wife to come to the United States on or around November 3, 2016. The I-130 petition was approved on July 21, 2017.
7. Since then, my wife had her provisional unlawful presence waiver approved, completed her DS-260, submitted documents to the National Visa Center, and the interview was scheduled for Wednesday, November 6, 2019 at 07:45 am in Ciudad Juarez, Chihuahua, Mexico.
8. She was awaiting the interview when we received news of the October 4 Presidential Proclamation detailing the ban on her entry unless she will be covered by approved health insurance within 30 days of her entry into the United States, or unless she possesses the financial resources to pay for reasonably foreseeable medical costs.
9. My wife and I studied and researched all the approved health insurance plans under the President’s Proclamation and every plan was either not available to my wife and I or were unaffordable and would remain so due to my family’s current financial situation. For example, we are not eligible for Medicare or Tricare and we cannot afford a short-term plan or visitor insurance, even if available.

10. I have not been able to work since May 2018. I had heart surgery in July 2018 and now have a pacemaker. I received my Social Security Disability determination around April 2019. Since I had to stop working indefinitely, my income has been limited to my Social Security Disability benefits. This does not leave my family with a lot of extra money. I thought that my wife was going to receive her residency soon and be able to work to earn extra money for the family, but it seems that is not going to happen anymore.
11. If my wife were to obtain an immigrant visa and gain permanent residency, she would most likely be able to work and help support our family.
12. I cannot imagine living apart from my wife if she were to go to her interview and have her visa denied because of the Proclamation. Since she has a 601A waiver, if her visa was refused it would revoke her waiver and she would need to start the waiver process all over again. She would face at least another year in Mexico where she has no one to stay with and no means by which to support herself.
13. My son and I need her to be here with us. We both depend on her to get by each day. My son suffers from several health complications and is currently in the hospital. Given my own health issues, I do not know how I would be able to care for him without her. Any period of family separation would prove intolerable and perhaps life-threatening to our child and me.
14. For this reason, my wife and I rushed to change her interview date at the consulate. We could not bear the thought of being separated. On November 1, 2019, we asked the Consulate to postpone the interview. We have not received any confirmation of this request. We were not given a new interview date but expect that it will be held within two to three months.

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

John Doe

John Doe

I, Eliasib Riquelme, am competent to translate from Spanish into English, and certify that the translation of John Doe oral statements is true and accurate to the best of my abilities.

Eliasib Riquelme

Eliasib Riquelme

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