

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

Hispanic Interest Coalition of Alabama, et al.,

Plaintiffs,

v.

Governor Robert Bentley, et al.,

Defendants.

Case No. 5:11-cv-02484-SLB

**Exhibits in Support of
Plaintiffs' Motion For
Preliminary Injunction
And Memorandum In
Support**

Exhibit 10

**Declaration of Mohammad Abdollahi
Ali-Beik
*On behalf of DreamActivist.org***

DECLARATION OF MOHAMMAD ABDOLLAHI ALI-BEIK

I, Mohammad Abdollahi Ali-Beik, make this declaration based on my personal knowledge and if called to testify I could and would do so competently as follows:

1. My name is Mohammad Abdollahi Ali Beik, and I am a co-founder of an organization called DREAM Activist.org. DREAM Activist.org is a multicultural, migrant-youth led movement to pass the federal DREAM Act, also known as the Development, Relief, and Education for Alien Minors Act.

2. The DREAM Act is a bipartisan bill that seeks to address the situation faced by many young students who were brought to the United States as young infants. Under the most recent version of the DREAM Act, students with good moral character who came to the United States at age 15 or younger at least five years before the date of the legislation's enactment would qualify for "conditional permanent resident status" upon acceptance to college, graduation from a U.S. high school, or being awarded a GED in the United States or if they have served in the armed forces.

3. I currently live in Atlanta, Georgia. I was born in Iran. I came to the United States when I was about three-years old with my parents who immigrated to study at a state university. I have been living in the United States for the past 22 years. I am a DREAM Act eligible student.

4. DREAM Activist.org is a national membership-based organization comprised of DREAM Act students from all across the country, including in Alabama. DREAM Activist.org is split into ten regions across the country. I work to coordinate Region Four, which covers the Southeast United States, including Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, and Mississippi. We provide campaign support to DREAM Act students

facing removal from the United States in Alabama and all across the country, and we promote the passage of the DREAM Act.

5. Dream Activist.org has 315 members in Alabama. Our members include students in multiple stages of the federal immigration court system. Some of our members, including our Alabama members, are unknown to the federal Department of Homeland Security's Immigration and Customs Enforcement ("ICE") department. But many others have been encountered by ICE and have been given a temporary reprieve from removal.

6. For example, some members have been granted "deferred action," which is a discretionary decision by ICE to not arrest or deport a person for immigration purposes. Deferred action is often granted for one-year intervals, but can be renewed. However, a person granted deferred action is still removable and is still without lawful status in the United States. Because of the temporary and indefinite nature of deferred action, individuals who have been granted it are not eligible to obtain the identity documents HB 56 requires in Alabama, such as a driver's license. ICE also does not issue any sort of an identity card to those who have received deferred action. Sometimes ICE does not provide letters indicating that a person was granted deferred action, but these hardly qualify as an identity document.

7. Some DREAM Activist.org members also have private immigration bills introduced by a local Senator or House of Representative preventing their removal from the United States. Upon issuance of a private bill, a DREAM Act student's removal is delayed at least until the end of the congressional session. A DREAM Act student with a private bill introduced may not have proof that the bill was introduced or a law enforcement officer may be confused as to whether a DREAM Act student with a private bill can remain in the United States.

Under HB 56, Alabama DREAM Act students with a private bill introduced but not passed in either the House or Senate may be targeted and arrested under the law.

8. HB 56 poses a severe risk for members of Dream Activist.org who reside in Alabama. These risks include the following:

a. Under Section 8 of HB 56, the only immigrants who can attend a public postsecondary institution are lawful permanent residents and persons on a nonimmigrant visas. This means DREAM Act students in Alabama will be prohibited from attending public postsecondary institutions. This is a severe harm for many of our members in Alabama, for not only does it deny them of the right to attend college and fulfill their dreams, but it also means that our members in Alabama will be denied one of the main paths to conditional residency under the current DREAM Act being considered in Congress.

b. Under Section 10 of HB 56, it is a crime to be in Alabama without a proper alien registration document. Many of our members in Alabama do not have such a "registration document" because they do not have current immigration status, and so will be at risk of a criminal conviction merely for being present in Alabama even though the federal government is aware that some of our Alabama members are in the country and has elected not to initiate removal proceedings against them.

c. Under Section 11 of HB 56, it is illegal to apply for or to work in the State of Alabama without prior work authorization. Many of our members in Alabama do not have work authorization because they do not have current immigration status (though some of our members who have been granted deferred action can qualify for work authorization while their deferred action status remains current). They will thus face risk of criminal prosecution if they

attempt to support themselves and their families while they work to fulfill their American dreams.

d. Under Section 12 of HB 56, law enforcement officers are required to detain individuals if they suspect the person is without current immigration status. Many of our members in Alabama will be subjected to unlawful detention under this rule. For example, members who have been granted deferred action by the federal government would never be arrested by federal immigration officers (because federal authorities have already decided to not act on that person's case at this time), but there is no way that a local police officer will be able to quickly verify this. Instead, the officer will have to hold our members for as long as it takes to get verification of this status from federal authorities, meaning our members will be subject to prolonged and unfair detention.

e. Under Section 13 of HB 56, it will be a crime for Alabama residents to give our members a ride, provide help to our members to stay in Alabama, or even to rent lodging to our members. Our members are going to be severely harmed by this provision because it will make living in Alabama nearly impossible, even for our members who have deferred action or a private congressional bill, because although ICE will not try to remove these students, they nevertheless are without current status and thus anyone who helps them in Alabama could be criminally prosecuted.

f. The various sections of HB 56 work together in ways that will inflict substantial harms on our Alabama member, if the law is allowed to take effect. Under Sections 18 and 19 of HB 56, anyone who lacks current immigration status cannot be granted bond. Again our members, even those with deferred action, nevertheless lack current immigration status, and as such if they are ever stopped by police for a minor infraction, they will be denied

bond. So for example, if an officer suspects that one of our members is without status, the officer must verify their status (per Section 12). The officer also will arrest our member for violating the registration requirement (Section 10). And the member will spend however long it takes to get a court hearing on the charge, because the member will not be available for bond (per Section 18).

g. In addition, under Section 27 of HB 56, our members cannot safely enter into contracts with anyone. The contract will be unenforceable for our members who lack current immigration status, including those who have been granted deferred action. This is going to have a profound effect on our members, some of whom have already expressed fears of being able to enter into rental agreements or plans to purchase a car if the law takes effect.

h. Under Section 28 of HB 56, our members will have to disclose the immigration status of themselves and their parents when they enroll in school. This is going to have a profound adverse effect on our members, some of whom have already expressed fears of having their family members reported and detained. This is an unconscionable proposition created by HB 56. On the one hand, America is a country that encourages everyone to work hard to be their very best, and everyone recognizes the best way to do so is by getting an education. Yet this section requires young children and youths to decide between pursuing their dreams and exposing their family to incredible risk of detection.

9. Dream Activist.org members in Alabama will suffer severely if this law is permitted to go into effect, and Dream Activist.org will similarly suffer as our members become afraid to engage in advocacy through our network, or even to associate themselves with the organization. For example, we have organized on-line events in Alabama to push for passage of the DREAM Act, we have held regional events and invited our Alabama members to attend, and

we have supported organizing by local DREAM students in Alabama. In fact, we are organizing a DREAM Activist summit in September or October in Alabama. All of this is at risk as many of our members are considering leaving Alabama if HB 56 is implemented and those who stay have indicated that they will minimize their exposure to local law enforcement by avoiding public events.

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

EXECUTED this 5 day of July, 2011 in Atlanta, Georgia.


Mohammad Abdollahi Ali-Beik