

Yemeni-Americans, Thrust Into Limbo, Say U.S. Embassy Unfairly Revokes Passports

By Liz Robbins

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For nearly five hours on Jan. 21, 2013, in a windowless room at the United States Embassy in Sana, Yemen, an American citizen and Brooklyn grocery store owner held his crying infant daughter while insisting he was exactly who he said he was.

Embassy officials said otherwise and threatened him with imprisonment, according to legal documents. Desperate to leave, he signed a statement admitting that he had the name the officials claimed he did, without understanding the consequences, he said.

The passport of the man, who spoke on the condition that only his middle name, Mohammed, be used because of the shame he felt at being targeted by the United States government, was deemed fraudulent and taken away. He was stuck in Yemen for 13 months until he was granted a temporary passport valid only to return to the United States. But without his official passport, he cannot return to where he left his daughter. He is not alone.

At least 20 other Yemeni-Americans from New York to California have similar stories of having their passports revoked in Sana. Last month, Mosed Shaye Omar, 64, a naturalized American citizen since 1978 who lives in San Francisco, sued the State Department and Secretary John Kerry, claiming he was coerced into acknowledging that he had a name different from what was on his passport.

Even for a federal agency with a reputation among critics as often being overly harsh in deciding who can enter the United States, lawyers say, what happened in Sana seems particularly egregious. American citizens, they say, are essentially rendered stateless for no apparent reason other than their Yemeni origin.

“I’ve never seen it happen in any other country,” said Jan Brown, an immigration lawyer in Manhattan who for decades has represented Yemeni-Americans, including five clients whose passports were taken away in Sana. “It became obvious to me years ago that the embassy was becoming, if not paranoid, much more hostile and suspicious of the people who were coming to apply for visas as relatives of citizens.”

Mr. Brown, a co-chairman of the immigration and nationality committee for the New York State Bar Association, said he believed that attitude was due, in part, to the rise of Al Qaeda in the Arabian Peninsula. “Because you don’t see people from Sweden having the difficulties people in Yemen have,” he said.

The embassy in Sana was closed in February before Saudi Arabia launched attacks against Houthi rebels in Yemen, increasing civil unrest and posing security threats to American citizens. Now, those whose passports have been seized worry about relatives left behind in the path of war.

“I don’t know what’s going to happen next,” Mr. Omar said in a telephone interview from San Francisco. He spoke in Arabic, translated by his lawyers from Asian Americans Advancing Justice-Asian Law Caucus.

“Without a passport, I am just an animal. I can’t leave the country.”

Mohammed, who had an administrative hearing in April at the State Department in Washington, said he was still hopeful.

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“I feel good because this is a free country,” he said in English, adding in Arabic, “I still believe there is the law, there is freedom, human rights.”



Ramzi Kassem, center, a CUNY law professor and the director of the Clear project, with Naz Ahmad left, a lawyer, and Nabila Taj, a law student. The group represented

Mohammed, a man whose passport was taken away, at his hearing. Nicole Bengiveno/The New York Times

Mohammed, 44, a father of seven whose wife is also an American citizen, spoke recently in the Queens offices of his lawyers at a free legal clinic known as Clear, which stands for Creating Law Enforcement Accountability and Responsibility. The City University of New York School of Law operates it.

“There’s a degree of stigma that comes with these kinds of, there’s really no other way to call it, extrajudicial punishment,” said Ramzi Kassem, a CUNY law professor and the director of Clear.

“Now that he’s back in the United States without a valid U.S. passport, he is being deprived of the fundamental liberty to travel internationally,” Mr. Kassem said, adding, “So he is effectively a prisoner in his own country now.”

Mohammed, who became an American citizen in 2002, said he had a DNA test taken at the time of his application for a green card in 1995. According to the document, the test proves, within 99.98 percent, that he is the rightful son of his father, an American citizen. Mohammed showed The New York Times the printed results of the test, in addition to copies of his certificate of naturalization, with his full name.

He said he was disturbed by the stories circulating in New York, where other Yemeni-Americans had been stripped of their passports.

“I think something is very wrong when you have people who have been in this country for 30, 50 years and then all of a sudden, the government comes back and asks them what their name is,” Mohammed said, adding that he had gone to the embassy in 2013 to get a report of birth abroad for his daughter.

The federal government can revoke a passport if it believes it was obtained illegally or through fraud. It must provide a written explanation for the revocation and offer a prompt opportunity for an administrative hearing. Neither happened in the case of Mr. Omar or Mohammed, according to their lawyers.

Multiple requests sent to the State Department about the numbers of passport revocations in Sana and the reasons for them were answered with the same statement: “We cannot comment on matters that may be involved in any pending litigation. In general the Department of State revokes U.S. passports for reasons set forth in federal law and in federal regulations.”

The lawyers involved in those cases are themselves struggling to understand why this happened at this particular embassy and why naturalized citizens were seemingly singled out.

“I’ve never gotten a response to that question,” said Yaman Salahi, one of Mr. Omar’s lawyers who is a member of the Asian Law Caucus. “I think they would say ‘antifraud.’ I haven’t heard that straight up.”

Last summer, Clear and Mr. Salahi’s legal group were part of a coalition of nine civil rights organizations that sent a report to the United Nations detailing their concerns over what they believed was a systematic — and unjustified — pattern of passport confiscation at the embassy in Sana.

Immigration fraud is considered widespread in Yemen, officials say, for several reasons: the lack of centralized records, a frequent traveling pattern to and from the United States and the relatively unmonitored process of obtaining Yemeni passports — which could be used to obtain American visas. The embassy was especially attuned to preventing such fraud, documents show.

Mr. Omar with his grandchildren in San Francisco. “Without a passport, I am just an animal,” he said. “I can’t leave the country.” Jim Wilson/The New York Times

In 2009, the American Embassy sent a diplomatic cable in 2009, released by WikiLeaks, that warned other American consulates in Europe and the Middle East of fraudulent visa applicants. “Due to the pervasive fraud environment, all immigrant visa cases are considered fraudulent until proven otherwise,” the cable said.

The atmosphere of suspicion heightened after the attempted bombing on Christmas 2009 of a Northwest Airlines flight by a Nigerian man linked to Al Qaeda in the Arabian Peninsula.

“While the consular section in Sana is performing admirably, staffing shortages and backlogs increase the risk to U.S. homeland security caused by pervasive fraud and the threat of terrorism,” a report by the State Department’s inspector general said.

Lawyers for Mr. Omar and Mohammed said the embassy officials never accused their clients of being a threat to national security. Instead, they accused them of having entered a false name on their naturalization certificates that they repeated on their passports. Both men said they did not recognize the names that the embassy official claimed were really theirs. That was tantamount to a “collateral attack” on their clients’ citizenship, the lawyers said.

Mr. Omar immigrated to the United States in 1972, working at a Chrysler plant outside Detroit before opening small businesses in Northern California. He visited the embassy in Sana on Jan. 23, 2013, just two days after Mohammed, to try to obtain a passport for his oldest daughter. Instead, Mr. Omar said, he was interrogated aggressively by David W. Howell, an official with the State Department’s Diplomatic Security Service, along with an interpreter. Two other lawyers said Mr. Howell had also led the questioning of their clients that year.

When reached at the United States Embassy in Paris this month, Mr. Howell, who worked at the embassy in Yemen for two years, declined to comment and referred questions to the State Department.

Mr. Omar said: “I started asking myself, did I do anything wrong? I felt like something very bad was going to happen to me. I started thinking about the problems about Al Qaeda and Yemen.”

During the questioning, he said, he started feeling ill and signed the document just so he could leave. “I felt like my whole life had gone to waste, my whole life in America,” he said.

A year later, Mr. Omar got a temporary passport to return to the United States.

His daughter, Naeema Omar, 29, said her father filed his lawsuit so other families would not have to endure the same ordeal. “I don’t think there’s anything they can do or say just to erase all that,” she said.

In Brooklyn, Mohammed said he was working to repay debts from his period of exile in Yemen, when he started a New York-style bodega and drove a taxi to support his family back home.

He had to temporarily shut his store in the East New York neighborhood until he found people to run it. After he returned, he told his customers that he had been “on vacation.”

Today, he is too busy working to be bitter, still confident that his American dream will not turn into a nightmare.

“In this country now,” he said, “we’re like a mountain that’s part of the landscape, and there’s no way anyone can uproot us.”

A correction was made on May 30, 2015: An article on Thursday about Yemeni-Americans whose United States passports have been confiscated by American officials in Sana, Yemen, misstated when the United States closed its embassy there. It was before Saudi Arabia launched attacks against rebels in

Yemen, not after.

When we learn of a mistake, we acknowledge it with a correction. If you spot an error, please let us know at nytnews@nytimes.com. [Learn more](#)

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