

United States Senate

WASHINGTON, DC 20510

March 20, 2025

The Honorable Marco Rubio
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20451

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, D.C. 20528

Dear Secretary Rubio and Secretary Noem:

On March 8, U.S. Immigration and Customs Enforcement (ICE) officials arrested and detained Mahmoud Khalil, a lawful permanent resident of the United States. All available evidence demonstrates that Mr. Khalil was targeted because of his involvement in political protests at Columbia University related to the war in Gaza.

To be clear, there is no justification for antisemitism, whether from the left or the right side of the political spectrum, and hate-fueled violence and threats of violence should be prosecuted to the full extent of the law. But even a White House official acknowledged that “the allegation [in this case] was not that [Mr. Khalil] is breaking the law.”¹

The First Amendment of the United States Constitution protects the right to free speech of all people in the United States. In fact, the Supreme Court has unambiguously stated: “Freedom of speech and of press is accorded to aliens residing in this country.”² Attempts by the government to punish an individual simply for espousing political views it disagrees with are wrong and unconstitutional.

Public statements by government officials leave little doubt as to the basis of Mr. Khalil’s arrest, and the circumstances of Mr. Khalil’s arrest and basis for his detention further amplifies these concerns.³ Initially, the ICE officials who arrested him apparently did not even know his current immigration status. Officials reportedly stated that they intended to revoke Mr. Khalil’s student visa. It was only after learning that Mr. Khalil was not a student visa holder, but had lawful permanent residence in the United States (i.e., a green card), that ICE agents told Mr. Khalil that his green card would be revoked.⁴ Notably, State Department consular officials and ICE agents can and do access immigration status information in the normal course of implementing immigration laws, but it seems that no such due diligence occurred in Mr. Khalil’s case.

¹ *The ICE Detention of a Columbia Student is Just the Beginning*, The Free Press (Mar. 10, 2025) (online at <https://www.thefp.com/p/the-ice-detention-of-a-columbia-student>).

² *Bridges v. Wixon*, 326 U.S. 135, 148 (1945).

³ President Donald Trump (@realDonaldTrump), Truth Social (Mar. 10, 2025) (online at <https://truthsocial.com/@realDonaldTrump/posts/114139222625284782>).

⁴ *Immigration Agents Arrest Palestinian Activist Who Helped Lead Columbia University Protests*, Associated Press (Mar. 9, 2025) (online at <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcbb921f21a9f704d5acdcae7a8>).

The Honorable Marco Rubio

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Revoking a green card requires additional due process, but there is no evidence to suggest that the required process has even been initiated.⁵ It appears that Mr. Khalil has been placed in removal proceedings to occur in front of an immigration judge based on a personal determination by Secretary Rubio that there is a compelling foreign policy interest to deport him based on his “beliefs, statements, and associations,” rather than any violation of U.S. law.⁶ If such a determination exists, it appears to only have been developed after his arrest. Furthermore, under the Immigration and Nationality Act, such a determination by the Secretary of State requires the Secretary to provide timely notice to the Chairs of the Committees on the Judiciary in the House and Senate, as well as the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate, on the identity of the noncitizen and the reasons for the determination.⁷ So far, we understand that no such notice and justification has been provided to Congress.

In addition, Mr. Khalil is eligible for release from ICE detention, but remains in ICE custody thousands of miles from his wife, an American citizen who is eight months pregnant.⁸ These widely reported facts suggest that immigration enforcement efforts against Mr. Khalil are designed to punish free speech and lawful political activity, rather than to enforce laws or preserve the public safety, national security, or foreign policy interests of the United States. This is precisely the type of retaliation our Constitution is designed to protect against. Troublingly, White House officials have reportedly stated that Mr. Khalil’s case is a “blueprint” for more investigations into student protestors.⁹

One does not need to agree with Mr. Khalil’s political views or speech to understand that in our great nation, freedom of expression is paramount. Every person in this country has the right to express his or her views without fear of reprisal by the U.S. government. We urge you to abandon this pretextual abuse of our nation’s immigration laws against Mr. Khalil and others for expressing political views that you dislike. The failure to do so is a threat to the core freedoms that this nation was founded upon.

We also request the production of all materials related to the arrest and detainment of Mr. Khalil no later than March 31, 2025.

Sincerely,

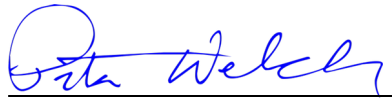
⁵ 8 U.S.C. § 1256.

⁶ *Trump Administration Seeks to Expel a Green-Card Holder Over Student Protests*, New York Times (Mar. 10, 2025) (online at <https://www.nytimes.com/2025/03/10/us/trump-rubio-khalil-columbia-student-protests.html>).

⁷ 8 U.S.C. §1182(a)(3)(C); 8 U.S.C. §1227(a)(4)(C).

⁸ 8 U.S.C. § 1226.

⁹ *The ICE Detention of a Columbia Student is Just the Beginning*, The Free Press (Mar. 10, 2025) (online at <https://www.thefp.com/p/the-ice-detention-of-a-columbia-student>).



Peter Welch
United States Senator



Richard J. Durbin
United States Senator




Chris Van Hollen
United States Senator



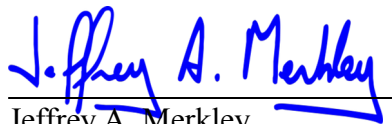
Bernard Sanders
United States Senator



Tammy Baldwin
United States Senator



Elizabeth Warren
United States Senator



Jeffrey A. Merkley
United States Senator



Tim Kaine
United States Senator