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Trump administration lawyers admit they seized Mahmoud Khalil without a warrant



Student negotiator Mahmoud Khalil on the Columbia University campus in New York at a pro-Palestinian protest encampment on Monday, April 29, 2024. [AP Photo/Ted Shaffrey]

In a stunning admission Thursday, lawyers for the Department of Homeland Security admitted their immigration agents did not have a warrant when they seized Mahmoud Khalil, a Columbia University graduate student and legal resident, outside his New York City apartment last month.

Khalil, currently imprisoned in an immigration detention center in Jena, Louisiana, is one of hundreds of students targeted for deportation by the fascistic Trump administration for opposing the US-backed Israeli genocide in Gaza.

The government admission, in papers filed with an immigration court in Louisiana and a federal court in New Jersey, directly contradicts what immigration police told Khalil, his wife, Dr. Noor Abdallah, his legal team, the courts and the public at large following his

kidnapping on March 8. This revelation exposes not only the lawless character of Khalil's arrest, but the criminal character of the entire Trump administration and the capitalist oligarchy it represents.

In justifying this repudiation of the Fourth Amendment to the US Constitution, which protects individuals from unreasonable searches and seizures and requires that warrants be issued by a judge based on probable cause, Department of Homeland Security (DHS) attorneys argued that immigration police do not need to obtain a warrant before disappearing people if there is a suspicion of "an offense against the United States," NBC News reported. DHS attorneys claimed that because Homeland Security Investigations agents "believed" Khalil was a "flight risk," arrest "was necessary." The agents claimed Khalil was uncooperative and he "would escape before they could obtain a warrant."

In fact, despite being accosted by plain-clothed men who refused to provide a warrant or justification for his imprisonment, Khalil was cooperative. In video filmed by his then-pregnant wife, Noor Abdalla, Khalil is seen calmly following instructions and allowing himself to be handcuffed and transported.

In contrast to Khalil's calm and respectable demeanor, immigration thugs refused to provide any information to Abdulla after disappearing her husband.

In a statement following Thursday's hearing, Marc Van Der Hout, a lawyer for Khalil, said the agents' actions "should require termination" of the deportation proceedings against Khalil. He said:

The government's admission is astounding, and it is completely outrageous that they tried to assert to the immigration judge—and the world—in their initial filing of the arrest report that there was an arrest warrant when there was none.

Amy Greer, another attorney for Khalil, confirmed that the government lied to her about having a warrant. She said:

That night, I was on the phone with Mahmoud, Noor, and even the arresting agent. In the face of multiple agents in plain clothes who clearly intended to abduct him, and despite the fact that those agents repeatedly failed to show us a warrant, Mahmoud remained calm and complied with their orders. Today we now know why they never showed Mahmoud that warrant—they didn't have one.

In the same statement Greer said:

I asked the basis of the warrant, and he said the US Department of State revoked Mahmoud's student visa. When I told Agent Hernandez that Mahmoud does not have a student visa

because he is a green card holder and permanent resident in the US, he said DHS revoked the green card, too.

She concluded:

This is clearly yet another desperate attempt by the Trump administration to justify its unlawful arrest and detention of human rights defender Mahmoud Khalil, who is now, by the government's own tacit admission, a political prisoner of the United States.

The government's admission comes four days after Khalil's wife gave birth to their first-born child—as Khalil remained imprisoned. In a statement issued Monday afternoon, Noor Abdalla said:

Despite our request for ICE to allow Mahmoud to attend the birth, they denied his temporary release to meet our son. This was a purposeful decision by ICE to make me, Mahmoud, and our son suffer.

Mahmoud remains unjustly detained in an ICE detention center over 1,000 miles away from his firstborn child. My son and I should not be navigating his first days on earth without Mahmoud. ICE and the Trump administration have stolen these precious moments from our family in an attempt to silence Mahmoud's support for Palestinian freedom.

Khalil's lawless detention is not a one-off "mistake" or an exception, but the explicit policy of the Trump administration. In a March 14 Department of Justice memorandum first released by *USA Today*, Attorney General Pam Bondi, in line with Trump's invocation of the 1798 Alien Enemies Act, ordered immigration police to break into homes of suspected "alien enemies," even without a warrant.

"[A] judicial or administrative arrest warrant is not necessary to apprehend a validated Alien Enemy," the memo notes. It further states that an "alien is not entitled to a hearing, appeal, or judicial review of the apprehension and removal warrant."

On page 4 of the document, under a subsection titled "Apprehension and Removal Procedures in Reactive Matters," it states that while agents "should... have an executed Warrant of Apprehension and Removal—before contacting an Alien Enemy. [T]hat will not always be realistic or effective in swiftly identify and removing Alien Enemies."

It continues:

Given the dynamic nature of enforcement operations, officers in the field are authorized to apprehend aliens upon a *reasonable belief* (emphasis added) that the alien meets all four requirements to validated as an Alien Enemy.

These four "requirements" include being over the age of 14; not a citizen or lawful permanent resident of the US; a citizen of Venezuela and a "validated" member of Tren de Aragua.

According to the Trump administration, someone can be “validated” as a TDA gang member for scoring as little as six points on a “validation” form. Under these criteria, immigration agents can give a person four points for having a “tattoo” they claim “denotes membership/loyalty to TDA” and another three points if any “informants... affirm the subject’s membership in or allegiance to TDA.”

Commenting on the memo to *USA Today*, Monique Sherman, an attorney fighting to protect 100 people arbitrarily detained in Colorado under the Alien Enemies Act, said:

The home under all constitutional law is the most sacred place, where you have a right to privacy. By this standard, spurious allegations of gang affiliation means the government can knock down your door.”

The stampeding of democratic rights by the Trump administration, facilitated by the Democratic Party, continues to provoke widespread outrage and resistance. In New York City on Friday, thousands of people protested against the continued imprisonment of Khalil and the over 18-month long genocide in Gaza. Signs read, “Free Khalil” and “Revolution is the solution.”