

# Exhibit I

Honorable Michael E. Farbiarz  
United States District Judge  
District of New Jersey  
Martin Luther King Courthouse  
50 Walnut Street  
Newark, NJ 07101

### DECLARATION OF JOHN RAPHLING

I, John Raphling, declare as follows:

1. I am an associate director and researcher for Human Rights Watch's US Program. I submit this declaration to inform the court about the likely impacts of the US government's efforts to deport Mahmoud Khalil on the right to free expression throughout the United States, especially on university campuses.
2. Human Rights Watch has serious concerns that the Secretary of State's invocation of "foreign policy grounds" as a basis to deport Mahmoud Khalil serves as a pretext for violating his right to free expression under international human rights law and is intended by the Secretary to punish and deter protected speech, particularly among international and non-US citizen students.<sup>1</sup> This is creating a climate of fear on campuses across the country.
3. Human Rights Watch (HRW) is an international research and advocacy organization that investigates alleged violations of international human rights law throughout the world and advocates for accountability for perpetrators, reparations for victims, and changes of policy to prevent ongoing and future abuses.<sup>2</sup> HRW has conducted investigations in over 90 countries, advocating before international bodies, like the United Nations, before local and national governments, including on many occasions U.S. Congressional committees, and to the public. The United States Program at HRW investigates human rights issues in the US, including violations by immigration enforcement agencies and within criminal legal systems.<sup>3</sup> The US Program also investigates government actions that may undermine democratic processes and institutions.
4. I have conducted research for the US Program at HRW for over eight years.<sup>4</sup> My primary area of expertise is the criminal legal system and systems of government coercion. I have researched free expression issues, particularly on US university campuses in the context of protests related to the Israeli assault on Gaza. Prior to working for HRW, I was a lawyer for over twenty years who represented protesters, political activists, and organizers in civil and criminal courts in cases related to their rights to free expression.

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<sup>1</sup> Human Rights Watch, "US: End Campaign of Draconian Campus Arrests," *HRW*, April 3, 2025, [US: End Campaign of Draconian Campus Arrests | Human Rights Watch](#).

<sup>2</sup> Human Rights Watch, "About Us," *HRW*, 2025, <https://www.hrw.org/about-us>.

<sup>3</sup> Human Rights Watch, "United States," *HRW*, 2025, <https://www.hrw.org/united-states>.

<sup>4</sup> Human Rights Watch, "John Raphling," *HRW*, 2025, <https://www.hrw.org/about/people/john-raphling>.

5. Officials for the Department of Homeland Security arrested Mahmoud Khalil on March 8, 2025, have detained him since, and seek to deport him, despite his status as a lawful permanent resident.<sup>5</sup> The US government has supplied an undated memorandum from Secretary of State Marco Rubio invoking the 1952 Immigration and Nationality Act (INA) Section 237(a)(4)(C) as a basis for these actions.<sup>6</sup> In the memorandum, the Secretary acknowledges that Khalil's actions, statements and beliefs are lawful, but he "determines" that his presence in the US would have "potentially serious adverse foreign policy consequences and would compromise a compelling US foreign policy interest." The Secretary cites no specific actions or beliefs, but he refers to Khalil's participation in protests which he claims are "anti-Semitic." He provides no evidence for this claim, although that INA provision requires "reasonable ground" for such a determination.<sup>7</sup>
6. Khalil, along with tens of thousands of other students, faculty and staff, participated in protests on US university campuses in the months following the Hamas-led attack on Israel on October 7, 2023<sup>8</sup>, and during Israel's ongoing military operations in Gaza. As the death toll in Gaza has soared amid allegations of grave human rights violations carried out by Israeli forces<sup>9</sup>, campus protests proliferated and over 3,000 students were arrested nationwide in the spring of 2024, though Khalil was not one of them.<sup>10</sup>
7. Opposition to Israel's actions, to US support for those actions, and to university policies including their investments in companies that profit from abuses in Israel, are legitimate

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<sup>5</sup> Tsehai Alford, et al., "Palestinian activist Mahmoud Khalil, SIPA '24, detained by Immigration and Customs Enforcement, lawyer says," *Columbia Spectator*, March 10, 2025, [Palestinian activist Mahmoud Khalil, SIPA '24, detained by Immigration and Customs Enforcement, lawyer says](#).

<sup>6</sup> In the matter of Mahmoud Khalil, "U.S. Department of Homeland Security's Submission of Documents," Case No. REDACTED, April 9, 2025, <https://www.documentcloud.org/documents/25894412-newly-released-memo-from-rubio-details-governments-only-evidence-in-effort-to-deport-mahmoud-khalil/>.

<sup>7</sup> 8 U.S.C. section 1227, <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1227&num=0&edition=prelim>.

<sup>8</sup> Human Rights Watch, "I Can't Erase All the Blood from my Mind," *HRW*, July 17, 2024, <https://www.hrw.org/report/2024/07/17/i-cant-erase-all-blood-my-mind/palestinian-armed-groups-october-7-assault-israel>.

<sup>9</sup> Human Rights Watch, "Israel: Starvation Used as Weapon of War in Gaza," *HRW*, December 18, 2023, [Israel: Starvation Used as Weapon of War in Gaza | Human Rights Watch](#); Human Rights Watch, "Gaza: Israeli Military War Crimes While Occupying Hospitals," *HRW*, March 20, 2025, [Gaza: Israeli Military War Crimes While Occupying Hospitals | Human Rights Watch](#); AJLabs, "Israel-Hamas war in maps and charts: live tracker," *Al Jazeera*, April 17, 2025, <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>; Tinshui Yeung and Neha Gohil, "Palestinian health ministry says 60 killed, 284 injured in past 24 hours," *BBC*, May 31, 2025 <https://www.bbc.com/news/live/c628n68zpj6t>; Human Rights Watch, "'Hopeless, Starving, and Besieged': Israel's Forced Displacement of Palestinians in Gaza," *HRW*, November 14, 2024, ["Hopeless, Starving, and Besieged": Israel's Forced Displacement of Palestinians in Gaza | HRW](#); Human Rights Watch, "Israel's Crime of Extermination, Acts of Genocide in Gaza," *HRW*, December 19, 2024, [Israel's Crime of Extermination, Acts of Genocide in Gaza | Human Rights Watch](#).

<sup>10</sup> The New York Times, "Where College Protesters have been Arrested or Detained," *New York Times*, July 22, 2024, [Where College Protesters Have Been Arrested or Detained - The New York Times](#).

political viewpoints, the expression of which is protected by US and international human rights law.<sup>11</sup> Such free expression is at the core of a democratic society.

8. As the protest movement grew on college campuses, it emerged as a flashpoint during the 2024 presidential election. As a candidate, Donald Trump falsely equated protests against the Israeli military's extensive bombardment of Gaza with antisemitism and support for terrorism. He threatened "any student that protests, I throw them out of the country."<sup>12</sup> The Republican Party platform included a commitment to "[d]eport pro-Hamas radicals and make our college campuses safe and patriotic again."<sup>13</sup>
9. Upon taking office, President Trump said: "To all the resident aliens who joined in the pro-jihadist protests ... we will find you, and we will deport you."<sup>14</sup> Following Khalil's arrest, the official White House X account declared "Shalom, Mahmoud" and announced a campaign against "terrorist sympathizers."<sup>15</sup> Trump personally posted that "[t]his is the first arrest of many to come."<sup>16</sup>
10. The Trump administration has claimed generally, as in Khalil's case specifically, that their right to revoke immigrants' legal status is based on that same provision of the INA that allows the secretary of state to determine that a person's presence in the country "would compromise a compelling United States foreign policy interest."<sup>17</sup>

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<sup>11</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNTS 171, entered into force March 23, 1976, ratified by the US in 1992, arts. 9, 19 and 21, [International Covenant on Civil and Political Rights | OHCHR](#); Human Rights Watch, "US: States use anti-boycott laws to punish responsible businesses," *HRW*, April 23, 2019, <https://www.hrw.org/news/2019/04/23/us-states-use-anti-boycott-laws-punish-responsible-businesses>.

<sup>12</sup> TOI Staff, "Trump says he'll deport anti-Israel student protesters if elected—report," *Times of Israel*, May 28, 2024, [Trump says he'll deport anti-Israel student protesters if elected — report | The Times of Israel](#).

<sup>13</sup> Donald J. Trump, "2024 GOP Platform: Make America Great Again," 2024, [rncplatform.donaldjtrump.com](https://rncplatform.donaldjtrump.com).

<sup>14</sup> President Donald J. Trump, "Fact Sheet: President Donald J. Trump Takes Forceful and Unprecedented Steps to Combat Anti-Semitism," *The White House*, January 30, 2025, [Fact Sheet: President Donald J. Trump Takes Forceful and Unprecedented Steps to Combat Anti-Semitism – The White House](#).

<sup>15</sup> The White House, X posting, March 10, 2025, [The White House on X: ""We will find, apprehend, and deport these terrorist sympathizers from our country — never to return again." —President Donald J. Trump us https://t.co/M3vDyAdDHE" / X](#).

<sup>16</sup> House Foreign Affairs Committee Majority, X posting, March 10, 2025, [House Foreign Affairs Committee Majority on X: "Shalom Mahmoud https://t.co/xgS2wnOUYo" / X](#).

<sup>17</sup> Gaby Del Valle, "Trump is bringing back McCarthyism to go after Mahmoud Khalil," *The Verge*, March 12, 2025, [Trump is bringing back McCarthyism to go after Mahmoud Khalil | The Verge](#); Steve Vladeck, "Five Questions About the Khalil Case," *One First*, March 10, 2025, [131. Five Questions About the Khalil Case](#)

11. DHS Deputy Secretary Troy Edgar cited to “pro-Palestinian activity” as the reason for Khalil’s impending deportation and refused to answer whether protesting itself was grounds for deportation.<sup>18</sup>
12. There are other recent examples of this arbitrary targeting of people for their viewpoint on Palestinian rights. On March 25, 2025, masked and camouflaged federal agents wearing black hooded sweatshirts seized Rûmeysa Öztürk, a Tufts University doctoral student from Türkiye and Fulbright scholar on a student visa, from a public sidewalk near her home in a Boston suburb, and took her into custody.<sup>19</sup> The federal government transported her over a thousand miles away to a detention center in Louisiana and said it intends to deport her. DHS officials alleged that Öztürk “engaged in activities in support of Hamas,” apparently because she co-authored an opinion piece<sup>20</sup> in a student newspaper calling on Tufts University to “acknowledge the Palestinian genocide”<sup>21</sup> and divest from investments connected to Israel. DHS has also sought to arrest and deport Yunseo Chung, a Columbia University undergraduate and lawful permanent resident from South Korea who has lived in the US since childhood following her arrest during a campus protest.<sup>22</sup>
13. The administration’s justifications for the arrest and planned deportations of Khalil and several other students are illegitimate and false and violate international human rights law.<sup>23</sup>
14. These actions reflect the administration’s larger pattern of exerting pressure on universities to silence protests related to the ongoing hostilities in Gaza.<sup>24</sup> The administration has terminated government funding<sup>25</sup> and initiated Department of Justice

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<sup>18</sup> Michel Martin and Destinee Adams, “DHS Official Defends Mahmoud Khalil Arrest, But Offers Few Details on Why It Happened,” *NPR*, March 13, 2025, [DHS Deputy Secretary Troy Edgar defends Mahmoud Khalil arrest : NPR](#).

<sup>19</sup> Niha Masi, et al., “Tufts student detained by masked officers, video shows,” *The Washington Post*, March 27, 2025, [Tufts student Rumeysa Ozturk detained by federal officers, video shows - The Washington Post](#).

<sup>20</sup> Rumeysa Ozturk, et al., “Op-ed: Try again, President Kumar: Renewing calls for Tufts to adopt March 4 TCU Senate resolutions,” *The Tufts Daily*, March 26, 2024, [Op-ed: Try again, President Kumar: Renewing calls for Tufts to adopt March 4 TCU Senate resolutions - The Tufts Daily](#).

<sup>21</sup> Human Rights Watch, “Israel’s Crime of Extermination, Acts of Genocide in Gaza,” *HRW*, December 19, 2024, [Israel’s Crime of Extermination, Acts of Genocide in Gaza | Human Rights Watch](#).

<sup>22</sup> Jonah E. Bromwich and Hamed Aleaziz, “Columbia Student Hunted by ICE Sues to Prevent Deportation,” *New York Times*, March 24, 2025, [Columbia Student Hunted by ICE Sues to Prevent Deportation - The New York Times](#).

<sup>23</sup> Human Rights Watch, “US: End Campaign of Draconian Campus Arrests,” *HRW*, April 3, 2025, [US: End Campaign of Draconian Campus Arrests | Human Rights Watch](#).

<sup>24</sup> Isaac Arnsdorf and Susan Svrluga, “Trump says pressure on Columbia is only the beginning for college campuses,” *The Washington Post*, March 15, 2025, [Trump says pressure on Columbia is only the beginning for college campuses - The Washington Post](#).

<sup>25</sup> Alan Blinder, “Trump has targeted these universities. Why?” *New York Times*, May 27, 2025, <https://www.nytimes.com/article/trump-university-college.html>; Stephanie Saul, “Trump pulled \$400 million from

investigations<sup>26</sup> against universities it alleges promote antisemitism based on claims that they have not suppressed pro-Palestine activism on campus sufficiently. Officials have demanded that universities provide the names and nationalities of protesters and activists to law enforcement officials.<sup>27</sup>

15. The arrest, detention, and efforts to deport Mahmoud Khalil and others have created a climate of fear among international students and US citizens who understand that the Trump administration seeks to punish people for speaking out in a way the administration disagrees with on this important public issue. That threat of punishment has suppressed people's free speech and expression as they seek to avoid drawing attention to themselves.

16. I am aware of numerous reports from campuses across the US of students, researchers and faculty members experiencing pervasive fear in response to the threat of punitive actions exemplified by the detention and possible deportation of Mahmoud Khalil.<sup>28</sup> Actions taken

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Columbia. Other schools could be next." *New York Times*, March 8, 2025, <https://www.nytimes.com/2025/03/08/us/columbia-trump-colleges-antisemitism.html>; Michael Casey, "Trump administration freezes \$2.2 billion in grants to Harvard over campus activism," *AP News*, April 15, 2025, <https://apnews.com/article/harvard-trump-administration-federal-cuts-antisemitism-0a1fb70a2c1055bda7c4c5a5c476e18d>

<sup>26</sup> Ty Roush, "Trump administration investigates these 60 colleges over antisemitism allegations," *Forbes*, March 11, 2025, <https://www.forbes.com/sites/tylerroush/2025/03/11/trump-administration-investigates-these-60-colleges-over-antisemitism-allegations/>.

<sup>27</sup> Laura Meckler, "New Trump demand to colleges: name protesters—and their nationalities," *The Washington Post*, March 25, 2025, [Trump demands colleges name protesters and their nationalities - The Washington Post](https://www.washingtonpost.com/news/education/wp/2025/03/25/trump-demands-colleges-name-protesters-and-their-nationalities/)

<sup>28</sup> Lubna Kably, "Hundreds of international students wake up to an email asking them to self deport for campus activism," *The Times of India*, March 29, 2025, <https://timesofindia.indiatimes.com/world/us/hundreds-of-international-students-are-waking-up-to-an-email-asking-them-to-self-deport-for-campus-activism-or-even-sharing-posts-on-social-media/articleshow/119679695.cms>; Brandon Drenon and Robin Levinson-King, "Anxiety at US colleges as foreign students are detained and visas revoked," *BBC*, April 18, 2025, <https://www.bbc.com/news/articles/c20xq5nd8jeo>; Adrian Florido, "These students protested the Gaza war. Trump's deportation threat didn't silence them," *NPR*, May 21, 2025, <https://www.npr.org/2025/05/21/nx-s1-5400644/these-students-protested-the-gaza-war-trumps-deportation-threat-didnt-silence-them>; Daniella Silva, et al., "Trump takes aim at foreign-born college students, with 300 visas revoked," *NBC News*, March 27, 2025, <https://www.nbcnews.com/news/us-news/trump-administration-takes-aim-immigrant-students-rcna198346>; Vimal Patel, Miriam Jordan, and Halina Bennet, "Nearly 300 students have had visas revoked and could face deportation," *New York Times*, April 7, 2024, <https://www.nytimes.com/2025/04/07/us/student-visas-revoked-trump-administration.html>; Faiza Patel, "U.S. AI-driven 'Catch and Revoke' Initiative Threatens First Amendment Rights," Brennan Center for Justice, March 20, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/us-ai-driven-catch-and-revoke-initiative-threatens-first-amendment-rights>; Dawn White, "Trump administration revokes almost 80 North Texas student visas," *CBS News Texas*, April 10, 2025, <https://www.cbsnews.com/texas/news/trump-administration-revokes-almost-80-north-texas-student-visas/>; Killian Baarlaer, "Amid free speech concerns, pro-Palestinian students take caution on Kentucky campuses," *Courier-Journal*, May 9, 2025, <https://www.courier-journal.com/story/news/education/2025/05/09/pro-palestinian-students-concerned-about-free-speech-at-kentucky-colleges/83049198007/>; Trevor Hughes, "19 State AGs ask federal judge to block Trump's student visa cancellations," *Courier-Journal*, April 11, 2025, <https://www.courier-journal.com/story/news/nation/2025/04/11/attorneys-general-lawsuit-trump-student-visa-cancellations/83048386007/>; American Association of University Professors, et al. v. Marco

in response to the threat include, among others, making preparations for arrest every time they leave their homes, hiding their identities in public, not attending classes, changing career plans, cancelling travel or opting to return to their home countries. International students have stopped engaging in classroom discussions about controversial topics, particularly Israel and Palestine, declined to attend protest or educational events that they otherwise would attend, stopped posting on social media about these topics and removed previous posts that might attract attention from the government, stop publishing papers, speaking on panels, conducting research, teaching classes, decline job offers, and otherwise retreat from speaking out publicly, and even privately.

17. My colleagues at HRW who speak on campuses about Israel and Palestine conflict report hearing repeatedly from students raising these same fears and describing similar actions, including from students who are US citizens. The silencing of students, researchers, and faculty not only harms those individuals, it deprives everyone on campus of the benefit of their viewpoints and scholarship, diminishing academic freedom and the quality of education for all. It discourages foreigners from coming to the US to study, conduct research and teach, depriving the country of their contributions.<sup>29</sup>

18. Punishing people for exercising their rights to free speech and assembly is a violation not only of the First Amendment of the US Constitution, but also of the International Covenant on Civil and Political Rights (ICCPR), which the US ratified in 1992, including Article 9, which forbids arbitrary arrest and detention, Article 19, which protects free expression, and Article 21, which protects freedom of assembly.<sup>30</sup> Under the ICCPR, noncitizens have these rights as well.<sup>31</sup> HRW has documented how authoritarian regimes throughout the world detain, deport and otherwise punish critics of government policy in order to silence them.<sup>32</sup>

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Rubio, et al., Civil Action No. 1:25-cv-10685, "Complaint for Declaratory and Injunctive Relief," filed March 25, 2025, <https://clearinghouse.net/doc/157588/>.

<sup>29</sup> Vimal Patel, Miriam Jordan, and Halina Bennet, "Nearly 300 students have had visas revoked and could face deportation," *New York Times*, April 7, 2024, <https://www.nytimes.com/2025/04/07/us/student-visas-revoked-trump-administration.html>.

<sup>30</sup> ICCPR, Arts. 9, 19, and 21.

<sup>31</sup> UN Human Rights Committee, CCPR General Comment No. 15: The Position of Aliens Under the Covenant (Art 11 (1) of the Covenant), April 11, 1986, [CCPR General Comment No. 15: The Position of Aliens Under the Covenant | Refworld](https://www.refworld.org/docid/3a68381d.html)

<sup>32</sup> Human Rights Watch, "'All conspirators': How Tunisia Uses Arbitrary Detention to Crush Dissent," *HRW*, April 16, 2025, <https://www.hrw.org/report/2025/04/16/all-conspirators/how-tunisia-uses-arbitrary-detention-crush-dissent>; Human Rights Watch, "India: Arrests, Raids Target Critics of Government," *HRW*, October 13, 2023, <https://www.hrw.org/news/2023/10/13/india-arrests-raids-target-critics-government>; Human Rights Watch, "Two Authorities, One Way, Zero Dissent," *HRW*, October 23, 2018, <https://www.hrw.org/report/2018/10/23/two-authorities-one-way-zero-dissent/arbitrary-arrest-and-torture-under>; Human Rights Watch, "We Try to Stay Invisible," *HRW*, October 8, 2024, <https://www.hrw.org/report/2024/10/08/we-try-stay-invisible/azerbaijans-escalating-crackdown-critics-and-civil-society>; Human Rights Watch, World Report 2024: Egypt, events of 2023, *HRW*, January



19. The Trump administration is claiming the authority to punish and remove noncitizen dissenters at will, without providing any meaningful justification. These actions not only violate the rights of those being targeted, but by intimidating others into silence, they represent a much larger threat to the right of free expression for all people in the US, citizens and non-citizens alike.
20. If the US government succeeds in deporting Mahmoud Khalil, it sends a direct message to everyone residing in this country that, if they speak out in a way the administration disagrees with on this major public issue, they risk severe consequences.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: June 4, 2025



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John Raphling  
Declarant