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July 10, 2025

VIA CERTIFIED MAIL AND E-MAIL

U.S. Department of State  
Office of the Legal Adviser  
Suite 203, South Building  
2430 E Street, NW  
Washington, DC 20037-2800  
[torts@state.gov](mailto:torts@state.gov)

Office of the Principal Legal Advisor  
Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
500 12th Street SW  
Mail Stop 5900  
Washington, DC 20536-5900  
[OPLA-DCLD-TortClaims@ice.dhs.gov](mailto:OPLA-DCLD-TortClaims@ice.dhs.gov)

Office of the General Counsel  
U.S. Department of Homeland Security  
2707 Martin Luther King, Jr. Ave. SE  
Washington, DC 20528-0485  
[ogc@hq.dhs.gov](mailto:ogc@hq.dhs.gov)

**Re: Notice of Claim for Damages under the Federal Tort Claims Act  
MAHMOUD KHALIL**

Dear Sir or Madam:

The undersigned counsel hereby submits an administrative claim brought pursuant to the Federal Tort Claims Act ("FTCA") on behalf of Mr. Mahmoud Khalil against the United States government for serious wrongs committed by U.S. officials during the course of their employment. Those wrongs include subjecting Mr. Khalil to: (1) false arrest, (2) false imprisonment, (3) malicious prosecution, (4) abuse of process, (5) intentional infliction of emotional distress, and (6) negligent infliction of emotional distress. These harms are the result of Secretary of State Marco Rubio's *ad hoc* and conclusory determination (the "Rubio Determination") that Mr. Khalil's presence and activities in the United States posed serious adverse foreign policy consequences and would compromise a compelling U.S. foreign policy interest. The unprecedented use of the Rubio Determination against student activists like Mr. Khalil has been found likely unconstitutional under the First Amendment and/or the Due Process Clause by numerous federal courts, because the Determination was deployed as a part of a Policy targeting noncitizens who participated in protests critical of Israel's genocide in Gaza and the United States' support for it. Under this

unconstitutional Policy, Secretary of State Rubio enabled the Department of Homeland Security to unlawfully arrest, detain and deport protestors whose lawful protected speech the administration simply disagrees with—as he did with Mr. Khalil.


President Trump, Secretary Rubio, and DHS officials, all boastfully proclaimed their intentional targeting of Mr. Khalil for deportation, describing Mr. Khalil’s arrest as the first step in a broader campaign to deport campus protesters. Effectively, the United States deployed the Rubio Determination not for any bona fide law enforcement activity, but solely for the purpose of punishment and repression of activists who vocally criticized U.S. support for Israel’s military onslaught in Gaza. In fact, during Mr. Khalil’s fingerprinting, an agent reported that “the White House is requesting an update,” demonstrating that the targeting of Mr. Khalil was maliciously driven by political, not legal, considerations.

As a direct result of this unlawful conduct by U.S. officials, Mr. Khalil was deprived of his liberty. ICE officials undertook an unlawful and warrantless arrest of Mr. Khalil at his home, then thereafter handcuffed, shackled, and transported Mr. Khalil over long distances—from New York to Louisiana, all while being denied access to his attorney. He was imprisoned – unlawfully – in a remote ICE detention facility in Jena, Louisiana for over three months. During that time, he was separated from his wife, who was eight months pregnant at the time of his arrest. He missed the birth of his son while in detention, and remained separated from his newborn for the first two months of his son’s life. These actions lacked any proper legal authority and violated elementary constitutional protections and were done for the purpose of retaliating against Mr. Khalil and otherwise punishing him for constitutionally protected conduct. Following Mr. Khalil’s unlawful, retaliatory arrest, officials at the highest levels of the United States government publicly lashed out at Mr. Khalil on social media, falsely labeling him a terrorist sympathizer and an anti-semite – derogatory charges designed to destroy Mr. Khalil’s reputation, put him in physical danger and cause extreme emotional distress.

The abusive and unlawful conduct by U.S. officials, from unlawful arrest to unlawful prolonged detention, have caused and will continue to cause Mr. Khalil severe emotional distress, economic hardship, and damage to his reputation. Mr. Khalil seeks an award of damages to compensate for the harms he has suffered.

Sincerely,

/s/ Samah Sisay

Samah Sisay  
Baher Azmy  
Diala Shamas  
Adina Marx-Arpadi  
CENTER FOR CONSTITUTIONAL RIGHTS  
666 Broadway, 7th Floor  
New York, NY 10012  


### **Claim Authorization Form**

I, MAHMOUD KHALIL, hereby authorize the Center for Constitutional Rights to submit a claim under the Federal Tort Claims Act on behalf of myself to the U.S. Department of State, U.S. Department of Homeland Security, including U.S. Immigration and Customs Enforcement, and any other government agency, seeking compensation for the unlawful actions their employees have undertaken against me.

DATED: July 10, 2025



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MAHMOUD KHALIL

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency:  U.S. Department of State U.S. Department of Homeland Security U.S. Immigration and Customs Enforcement			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.  Mahmoud Khalil c/o Samah Sisay 666 Broadway, 7th Floor, New York, NY 10012		
3. TYPE OF EMPLOYMENT  <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH  <div style="background-color: black; width: 100px; height: 20px;"></div>	5. MARITAL STATUS  married	6. DATE AND DAY OF ACCIDENT  See attachment	7. TIME (A.M. OR P.M.)  See attachment	
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).  See attachment					
<b>9. PROPERTY DAMAGE</b>					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).  Not applicable					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).  Not applicable					
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.  See attachment					
<b>11. WITNESSES</b>					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
See attachment		See attachment			
<b>12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)</b>					
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights).		
0.00	20,000,000	0.00	20,000,000		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).  			13b. PHONE NUMBER OF PERSON SIGNING FORM  <div style="background-color: black; width: 100px; height: 20px;"></div>	14. DATE OF SIGNATURE  07/10/2025	
<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b>  The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b>  Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

**INSURANCE COVERAGE**

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident Insurance? ☐ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☒ No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☒ No

17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

19. Do you carry public liability and property damage insurance? ☐ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☒ No

**INSTRUCTIONS**

**Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.**

**Complete all items - Insert the word NONE where applicable.**

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

**Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.**

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A **SUM CERTAIN** FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN **TWO YEARS** AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) **Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.**

**PRIVACY ACT NOTICE**

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. **Principal Purpose:** The information requested is to be used in evaluating claims.

C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

**PAPERWORK REDUCTION ACT NOTICE**

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

FTCA Standard Form 95 - Attachment

Claimant: MAHMOUD KHALIL

**1. Date and Day of Accident/Incident**

Arrest occurred on March 8, 2025

Other alleged violations occurred from around January to June 2025

**2. Time (A.M or P.M.)**

Arrest occurred around 8:30pm Eastern Time

Exact time unknown for other alleged violations

**3. Basis of Claims**

The United States government carried out a politically motivated plan to unlawfully arrest, detain, and deport Mahmoud Khalil, a lawful permanent resident, in a manner designed to punish and deter him from constitutionally protected advocacy, by terrorizing him and his family.

Before March 8, 2025, the United States government adopted a Policy to retaliate against and punish noncitizens like Mr. Khalil for their participation in protests against Israel's genocidal military campaign in Gaza. Under the Policy, Marco Rubio, the Secretary of the U.S. Department of State, made an unconstitutional determination, based on Mr. Khalil's lawful activities protected by the First Amendment, that Mr. Khalil's presence or activities in the United States "would have potentially serious adverse foreign policy consequences" for the United States. *See* 8 U.S.C. § 1227(a)(4)(C)(i). This determination licensed the Department of Homeland Security (DHS), and its component Immigration and Customs Enforcement (ICE), to seek to unlawfully arrest, detain and deport Mr. Khalil.

On the evening of March 8, 2025, at approximately 8:30 p.m., two plainclothes DHS agents surveilled and followed Mr. Khalil and his wife into their Columbia University-owned apartment building. After confirming Mr. Khalil's identity, the agents immediately announced that they had to take Mr. Khalil into custody. Two additional agents then approached from inside the building. Mr. Khalil asked the agents if they had a warrant. Although the agents claimed they had one on their phone and promised to show it, they never produced a warrant despite his repeated requests.

In fact, the record shows that there was never a warrant obtained for Mr. Khalil's arrest, even though the arrest was pre-planned and there was no basis to indicate that Mr. Khalil would somehow abscond before a warrant could be obtained. Moreover, contemporaneous video footage showed Mr. Khalil being maximally compliant with the officers' instructions. The ICE officers' failure to obtain an arrest warrant violated DHS regulatory requirements. *See* 8 C.F.R. §

287.8(c)(2)(i). The officers also falsely informed Mr. Khalil that his student visa had been revoked. Mr. Khalil explained that he held lawful permanent resident status. Ignoring Mr. Khalil's statement, the agents created a physical barrier between Mr. Khalil and his wife, threatening his eight-months-pregnant wife with arrest. Mr. Khalil's wife called his attorney, Amy Greer. Attorney Greer spoke with Special Agent Elvin Hernandez, who stated, falsely, that Mr. Khalil's student visa had been revoked by the U.S. Department of State and that agents had an administrative warrant. When Attorney Greer explained that Mr. Khalil had a green card, and not a student visa, Agent Hernandez nevertheless asserted—again, falsely—that the Department of State had also revoked Mr. Khalil's permanent residency status. Agent Hernandez abruptly ended the call when Attorney Greer attempted to clarify the situation. Soon after, Mr. Khalil's wife presented the agents with documentation confirming Mr. Khalil's lawful permanent resident status, causing one agent visible confusion. The agent remarked, "He has a green card," but then stated they had orders to take Mr. Khalil into custody anyway.

The agents then handcuffed Mr. Khalil, brought him outside to multiple, waiting unmarked vehicles, and refused his wife's requests to provide her with any information about their identities, contact details, or Mr. Khalil's specific destination beyond indicating he would be taken to 26 Federal Plaza in Manhattan, New York. For the entirety of the ongoing arrest process, Mr. Khalil was repeatedly denied any further calls to his attorney.

At approximately 12:40 a.m. on March 9, DHS served Mr. Khalil with a Notice to Appear ("NTA") directing him to appear before an immigration judge at the LaSalle Detention Facility in Jena, Louisiana, on March 27, 2025. The sole statutory ground stated in Mr. Khalil's NTA for the government's attempted deportation, was the foreign policy basis outlined in 8 U.S.C. § 1227(a)(4)(C)(i), predicated upon the *ad hoc* and unexplained determination by Secretary Rubio that Mr. Khalil's presence or activities would have potentially serious adverse foreign policy consequences for the United States.

From the time of his arrest, U.S. officials took extraordinary actions to move Mr. Khalil around great distances to punish him and to evade ordinary legal process. Initially, he was taken to 26 Federal Plaza, then transported overnight in handcuffs and shackles to the Elizabeth Contract Detention Facility in Elizabeth, New Jersey without his shoes, jacket, or belt. Mr. Khalil spent the night in a cold waiting room without a blanket, despite requesting one. He was informed the next morning that processing at Elizabeth would not be completed, as ICE agents from New York were coming to move him again. Mr. Khalil was subsequently transferred again, handcuffed and shackled, first to JFK Airport, then on flights to Dallas, Texas, and finally to Alexandria, Louisiana, arriving around 1:00 a.m. on March 10. Throughout the 48-plus hour transfer process, Mr. Khalil had no access to his ulcer medication, bedding and personal effects.

ICE deliberately concealed Mr. Khalil's location from his family and attorney in order to punish him and evade ordinary legal process. The ICE Detainee Locator initially indicated that Mr. Khalil was detained in New York, then changed to Elizabeth, New Jersey. Yet, when Mr. Khalil's wife attempted to see him at Elizabeth, she was told he was not listed in the facility's system. His attorney repeatedly tried and failed to reach him by phone at the Elizabeth detention facility. After his attorney was notified of his transfer to Louisiana, she attempted to schedule a telephone call with Mr. Khalil—a process that typically occurs the same day or the next day in

New York— but authorities in the Louisiana ICE detention facility offered a date ten days away. During these transfers, agents continuously denied Mr. Khalil's requests to contact legal counsel.

ICE's failure to timely disclose the location of Mr. Khalil's detention caused his attorney to file a habeas petition in federal court in New York at a time, unknowable to counsel and contrary to his stated location in the ICE Locator Database, he had already been transferred to New Jersey.

The government also publicly vilified Mr. Khalil. On March 9, 2025, the day after Mr. Khalil's arrest, multiple branches of government celebrated his arrest on social media. President Donald Trump stated on Truth Social that Mr. Khalil's arrest was "the first of many to come," declaring that his administration would not tolerate "students at Columbia and other universities across the country who have engaged in pro-terrorist, anti-Semitic, anti-American activity." Secretary Rubio tweeted, "We will be revoking the visas and/or green cards of Hamas supporters in America so they can be deported" alongside an article detailing Mr. Khalil's arrest. The Department of Homeland Security posted on X that Mr. Khalil's arrest was carried out "in support of President Trump's executive orders prohibiting anti-Semitism, and in coordination with the Department of State." The statement also falsely accused Mr. Khalil of having "led activities aligned to Hamas, a designated terrorist organization," and asserted that both "ICE and the Department of State are committed to enforcing President Trump's executive orders and to protecting U.S. national security."

The next day, on March 10th, 2025, the White House posted a mug-shot style photo of Mr. Khalil on social media with the caption, "SHALOM MAHMOUD: 'ICE proudly apprehended and detained Mahmoud Khalil, a Radical Foreign Pro-Hamas Student on the campus of Columbia University. This is the first arrest of many to come.'" The post accused Mr. Khalil of having "led activities aligned to Hamas."

Through his federal habeas corpus litigation, Mr. Khalil was released from La Salle Detention Facility in Jena, Louisiana on June 20, 2025, after spending 104 days in detention. During his detention, he lost fifteen pounds due to the stress of being separated from his wife and newborn son, the poor quality of food, and limited sleep under harsh fluorescent lights that were on constantly. He had a hernia that has worsened with stress, causing constant heartburn.

### ***Legal Basis of FTCA Claims***

#### **A. Malicious Prosecution and Abuse of Process**

The United States' attempted "prosecution"—in the form of arrest, detention and deportation proceedings—were driven by a retaliatory and punitive intent serving broader political and public relations interests, not any legitimate law enforcement purpose. As described above, Mr. Khalil's arrest and attempted deportation was undertaken pursuant to a broader Policy by United States officials to retaliate against student activists for exercising their constitutionally protected rights to free expression in a manner critical of U.S. foreign policy in support of Israel's onslaught on Palestinians in Gaza.



Mr. Khalil's spiteful arrest was prompted by collaboration between U.S. officials and at least one radical pro-Israel group, Betar USA which placed Mr. Khalil on a "deport list" it promoted and claims to have submitted to officials at ICE—who thereafter acted on it and pursuant to the broader retaliatory Policy. DHS also deliberately transferred Mr. Khalil rapidly and repeatedly—from New York to New Jersey, then Texas, and finally rural Louisiana, 1,500 miles from his family and attorney, in a manner designed to conceal his location from counsel and family so as to avoid ordinary legal process or prompt judicial review of their ultimately unconstitutional actions.

Additionally, DHS withheld Mr. Khalil's ulcer medication, shoes, jacket, belt, blanket, and pillow for approximately two days, causing unnecessary hardship and distress without a legitimate purpose. The government's threats, concealment, denial of counsel, and medical neglect constituted intentional acts outside the regular course of immigration enforcement, demonstrating malice and abuse of the immigration removal process as a tool of punishment.

Finally, confirming the administration's punitive and malicious intent, numerous officials wantonly vilified Mr. Khalil as a terrorist sympathizer and anti-semitic and promised more such arrests of activists to send a message more broadly that the United States intends to suppress speech in support of Palestine, even by extra legal means. For example, immediately after the arrest, President Trump, Secretary Rubio, DHS leadership, and the White House publicly celebrated Mr. Khalil's detention as the "first of many" targeting supposed " Hamas sympathizers," explicitly connecting the arrest to Mr. Khalil's constitutionally protected activism as a student at Columbia University.

#### B. False Arrest and False Imprisonment

The United States Government falsely arrested and falsely imprisoned Mr. Khalil. He was arrested without a warrant, in violation of the Fourth Amendment and DHS regulations, and was detained absent any flight risk or danger to the community, let alone any criminal charges or proper legal authority.

At the time ICE officers arrested Mr. Khalil, they lacked probable cause. ICE agents followed Mr. Khalil into the vestibule of his private student apartment building without consent from Mr. Khalil or his landlord, Columbia University, or a judicial warrant, in plain violation of his Fourth Amendment rights. During the arrest in Mr. Khalil's private apartment building, agents eventually acknowledged that Mr. Khalil "has a green card," recognizing his lawful permanent resident status and negating their earlier assertion that his student visa had been revoked—the purported basis for their arrest. And, despite multiple requests, the agents refused to display any arrest warrant they claimed they had and falsely informed Mr. Khalil and his attorney that both his student visa *and* green card had been revoked by the State Department; the agents prevented Mr. Khalil or counsel from verifying these claims by abruptly ending any conversation with counsel. During fingerprinting at 26 Federal Plaza, Mr. Khalil overheard an ICE agent inform Special Agent Hernandez that "the White House is requesting an update," suggesting his arrest was driven by political and public relations impulses, rather than bona fide lawful enforcement grounds. ICE is accordingly responsible for conduct that constitutes a false arrest of Mr. Khalil.

No criminal charges, evidence related to national security, or factual basis supported the removal proceeding; the government's determination to arrest and detain relied solely on Mr. Khalil's constitutionally protected speech. Moreover, the Immigration and Nationality Act explicitly prohibits the Secretary of State from excluding or conditioning entry based on lawful speech without certifying to Congress that admitting the individual would compromise a compelling U.S. foreign policy interest. There is no indication that Secretary Rubio provided such certification concerning Mr. Khalil.

ICE is responsible for conduct that constitutes false imprisonment, which is the intentional confinement or detention of another, without his consent and without proper legal authority. Mr. Khalil's detention at the La Salle Detention Facility in Jena, Louisiana was unlawful.

C. Negligent and Intentional Infliction of Emotional Distress

The United States is responsible for negligent, intentional or reckless conduct that was extremely outrageous and caused severe emotional distress to Mr. Khalil. The United States government's conduct directly produced severe mental suffering for Mr. Khalil.

U.S. officials, in part at the instigation of radical advocacy groups such as Betar USA, who had been doxxing Mr. Khalil for months, engaged in a series of actions to target Mr. Khalil personally and to retaliate, punish and publicly humiliate Mr. Khalil for his advocacy in support of Palestine. In a constitutional democracy, it is outrageous conduct to bring the massive apparatus of the U.S. government to arrest, detain and attempt to deport someone for actions that are firmly protected by the Constitution and thereafter for the highest-level government officials to smear a person in national media as a terrorist sympathizer or an antisemite. Part of the United States' outrageous conduct was to undertake these unlawful actions, in a manner that evaded legal process. ICE agents entered the privacy of his home without consent or a warrant and effectuated his arrest also without a warrant, based on false representations and pretenses, in order to put Mr. Khalil in custody. Mr. Khalil was effectively kidnapped in front of his pregnant wife, who was left alone and uninformed as to his whereabouts.

DHS officials also engaged in outrageous conduct by secreting Mr. Khalil away from his family and his lawyers, and moving him around from jurisdiction to jurisdiction in order to evade legal process and judicial review. Having evaded legal process in this way, DHS sent Mr. Khalil to a remote detention facility in rural Louisiana, 1500 miles away from his then-pregnant wife and his counsel, so as to maximize his punishment, isolation and despair. As a predictable result of DHS' cruelty, Mr. Khalil could not be with his wife during her final month of pregnancy and faced the agony of prison isolation during the birth of their first child. And, despite these extraordinary circumstances – and in defiance of DHS policy, DHS officials denied Mr. Khalil a furlough or even a transfer to the Elizabeth Detention Facility in New Jersey, where he could be close to his wife and new born. As a result of DHS' continuing punishment, Mr. Khalil was also unable to attend his graduate school commencement from Columbia University.

DHS' actions have also prevented Mr. Khalil from seeing his parents. While his mother had been granted a visa in March 2025 to be present for the birth of his son, U.S. embassy officials later refused to stamp her passport, citing "administrative processing"; the timing of this change is

directly correlated with the Rubio Determination and the Policy to retaliate and punish Mr. Khalil. His mother is now unable to enter the country and unable to visit him. Prior to his arrest, Mr. Khalil would visit his severely disabled sixty nine-year old father multiple times per year in Europe. As a result of the pretextual and unlawful immigration proceedings instituted against him, Mr. Khalil has been prevented from leaving the country to visit his father.

After Mr. Khalil's arrest, President Trump, Secretary Rubio, DHS leadership, and the White House doubled down on their targeting, smearing, and humiliation of Mr. Khalil, publicly through their social media posts and public statements. The White House posted more than one mugshot style photo of Mr. Khalil accusing him of being "Pro-Hamas," a "terrorist sympathizer," someone who "hates the United States and what [it] stands for." These posts reached over 4 million views each. Secretary Kristi Noem accused Mr. Khalil of "advocating for violence" and described his removal as "welcome news" and "good riddance" via X, in a tweet amassing 4.2 million views. In addition to Mr. Khalil's unlawful arrest, the actions of United States officials to publicly vilify and humiliate Mr. Khalil, falsely label him as a terrorist sympathizer and antisemite, has caused Mr. Khalil extreme emotional distress and irreparably spoiled his reputation, career, and safety.

The targeted smears by U.S. officials have made it nearly impossible for Mr. Khalil to continue his career in international human rights, and his dreams of pursuing a career in international diplomacy have been dashed. On April 3rd, Mr. Khalil's job offer for a long-sought position at a prestigious human rights non-profit was rescinded, and he fears he will continue to face difficulty finding employment due to the government's actions and character assassination. He no longer feels confident he will be able to provide his family with financial security or be able to pursue employment in international diplomacy.

Due to the United States government's actions, Mr. Khalil will have barriers to traveling, applying for visas, or engaging with consular authorities due to the labeling of his lawful protected speech as compromising "a compelling U.S. foreign policy interest." The government's actions have also disrupted his path toward U.S. Citizenship. Specifically, he worries that he will no longer be able to travel to see his parents, especially his father who is physically unable to travel, and his mother, who has effectively been denied entry into the United States to visit Mr. Khalil despite her approved visa.

Due to the government's highly publicized, false accusation of Mr. Khalil as supporting terrorism and antisemitism, Mr. Khalil, his wife, and newborn son have become targets for attacks, surveillance, and frivolous litigation. His wife has significantly limited how often she leaves the house, afraid of the death threats and threats to take her child away. While he was detained, Mr. Khalil worried about his wife's safety and feared that he would be subjected to the same threats if released. Now that he has been released, he is no longer able to walk around freely in public without fear for him and his family's safety, even necessitating an expensive security detail to travel. Mr. Khalil has also been subjected to frivolous litigation by multiple actors who have repeated the false and disparaging allegations wielded by the United States government. Mr. Khalil also worries that the government's high-level, highly visible promulgation of these anti-Arab, anti-Muslim and anti-Palestinian stereotypes regarding Mr. Khalil as violent, antisemitic, and a supporter of terrorism can have a stigmatizing, isolating effect on him and his family.

Mr. Khalil lost weight while in detention because of the poor food quality and stress of being separated from his wife, newborn son, mother, disabled father. He was subjected to extremely cold temperatures and 24-hour fluorescent lighting that impaired his ability to sleep. Mr. Khalil's ability to communicate freely was undermined because he was constantly monitored and surveilled. He has a worsening hernia and constant heartburn due to the stress he endured.

All of these things have caused Mr. Khalil severe emotional and physical anguish.

D. Other Causes of Action

This is not intended to be an exhaustive list of possible causes of action available to Mr. Khalil arising out of the United States' conduct, including constitutional claims, other statutory claims and international law claims. Mr. Khalil reserves the right to assert these and other claims in an appropriate forum at an appropriate time, to the extent not already asserted.

**11. Witnesses**

Other individuals who were present for Mr. Khalil's arrest on March 8, 2025 are witnesses, including his wife and attorney. As are others who can attest to the severe emotional distress Mr. Khalil has endured as a result of the U.S. officials' actions. Security footage of Mr. Khalil's unlawful arrest is also available, as is a psychological evaluation of Mr. Khalil's mental state at the time of his detention.