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July 17, 2026

VIA CERTIFIED MAIL

Federal Tort Claims Act Section
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 888
Benjamin Franklin Station
Washington, DC 20044

**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. This claim is specifically against officers of the U.S. Department of Justice, including the Executive Office for Immigration Review (EOIR) and the Board of Immigration Appeals (BIA).

The United States government weaponized the immigration system to punish and deter Mr. Khalil and others from constitutionally protected advocacy in support of Palestinian human rights. Officers transferred Mr. Khalil across several jurisdictions, ultimately detained him in Louisiana, thousands of miles away from his wife and attorneys, and intentionally used their control over the immigration process to deny him a fair adjudication of their removal charges brought against him and to ensure their desired, pre-ordained outcome of removal and retaliation.

The abusive and unlawful conduct by U.S. officials caused and continues to cause Mr. Khalil severe harm. Mr. Khalil seeks an award of damages to compensate for the harms he has suffered.

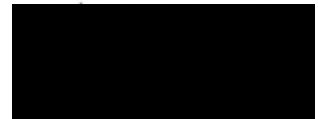
Sincerely,
/s/ Samah Sisay

Samah Sisay
Baher Azmy
Ayla Kadah
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
Tel: (212) 614-6464


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 Justice, including the Executive Office for Immigration Review (EOIR), the Board of Immigration Appeals (BIA), and any other components, seeking compensation for the unlawful actions their employees have undertaken against me.

DATED: July 17, 2026

A solid black rectangular box used to redact the signature of Mahmoud Khalil.

MAHMOUD KHALIL

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 March 2025 to July 2026

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 abused the immigration process, under the control and influence of the Department of Justice (“DOJ”) to punish Mr. Khalil because of his protected political speech. After other agencies of the United States government singled out Mr. Khalil on account of his constitutionally protected speech in support of Palestinian rights and decided to leverage their broad authority under the immigration laws to effectuate the punishment via arrest and detention, the DOJ undertook numerous actions to ensure that Mr. Khalil would not have a fair or neutral adjudication of the pretextual and unconstitutional removal charges lodged against him; indeed, leveraging the DOJ’s control over immigration courts and judges, they took numerous irregular actions to ensure an irregularly accelerated removal process and one in which the outcome was entirely pre-ordained against Mr. Khalil. These actions have caused Mr. Khalil great harm.

Following his detention in March 2025, Mr. Khalil was placed in removal proceedings at the LaSalle Immigration Court in Jena, Louisiana, where his case was assigned to Acting Chief Immigration Judge Jamee E. Comans (“the IJ”). On information and belief, IJ Comans had no other cases on her docket and was hand-picked by the DOJ to adjudicate Mr. Khalil’s case so as to follow the DOJ’s plan to ensure a rapid and outcome-determinative conclusion to his removal case. Just two months after ordering Mr. Khalil removed, IJ Comans was promoted to Acting Assistant Director of the Office of Policy at the Executive Office for Immigration Review (“EOIR”). Underscoring DOJ’s plan to ensure that targets of the broader government plan to punish noncitizen Palestinian advocates through detention and removal, the DOJ summarily *fired* two IJs who exercised independence in the adjudication of similar charges against similar non-citizen targets and had the temerity to rule against the government. The government violated the Fifth Amendment by failing to provide Mr. Khalil with a neutral adjudicator and a full and fair hearing, and by violating agency rules designed to protect noncitizens’ fundamental rights and interests.

On March 9, 2025, the government issued Mr. Khalil a Notice to Appear (“NTA”), which claimed Mr. Khalil is subject to removal under 8 U.S.C. §1227(a)(4)(C)(i) (the “foreign policy ground” or “FPG”), a statute never previously used to seek the deportation of a noncitizen on the basis of engaging in First Amendment-protected speech, association, and assembly within the United States, in retaliation for that protected activity. The charge stated without evidence that “the Secretary of State has reasonable ground to believe that your presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States.”

On March 17, 2025, the same day Mr. Khalil filed a motion for preliminary injunction in federal court in his habeas case, DHS issued a Form I-261, Additional Charges of Inadmissibility/Deportability, which asserted an additional, post hoc charge under 8 U.S.C. §1227(a)(1)(A) alleging he had made misrepresentations on his permanent residency application. The asserted misrepresentations are falsely manufactured and obviously pretextual, lodged to continue the broader retaliation against Mr. Khalil for his constitutionally protected advocacy. For example, DHS accused Mr. Khalil of failing to disclose his “membership” in the United Nations Relief and Works Agency for Palestine Refugees (“UNRWA”), despite it not being a membership-based organization, and Mr. Khalil never having been a member of it. Mr. Khalil completed an internship with UNRWA as part of his graduate program, for which he received a stipend paid for by Columbia University, which he disclosed on his application. DHS also falsely claimed Mr. Khalil failed to disclose that he was a “member” of CUAD—a coalition of campus groups that expressly had no membership—based solely on his role as a negotiator that did not begin until after he submitted his application.

In proceedings in front of the IJ, officers of the United States provided no evidence to rebut Mr. Khalil’s evidence about the unreliability of the misrepresentation charge and did not ask Mr. Khalil a single question when he provided extensive, credible testimony demonstrating he made no willful, material misrepresentation.

Furthermore, Mr. Khalil’s immigration hearings proceeded with highly unusual speed that deprived him of a fair opportunity to present his case and that was accelerated to fulfill the DOJ’s plan to ensure a pre-ordained outcome in his case. On April 8, 2025, during the first substantive hearing in Mr. Khalil’s removal proceedings, the IJ scheduled a contested removability hearing for three days later. The IJ told Mr. Khalil’s counsel they were in the “wrong court” to conduct discovery, refusing to consider Mr. Khalil’s constitutional challenges to his removal on both charges.

On April 11, 2025, the IJ denied Mr. Khalil’s request for time to present evidence and argument, orally sustained the FPG charge, and held in abeyance the §1227(a)(1)(A) charge. The IJ also denied Mr. Khalil’s efforts to obtain documents relevant to the government’s decisions to issue the Rubio Determination, and denied without any analysis Mr. Khalil’s motion to subpoena Secretary Rubio. The IJ found Mr. Khalil removable as a result of the Rubio Determination, only forty-eight hours after the Rubio Determination was filed in immigration court, intentionally leaving Mr. Khalil defenseless.

Mr. Khalil subsequently applied for asylum, Withholding of Removal, and protection under the Convention Against Torture (“CAT”). On May 22, 2025, Mr. Khalil appeared for a hearing before the IJ. Although the IJ scheduled the hearing to last for only two hours, when Mr. Khalil’s immigration counsel indicated they had more than two hours worth of testimony which would necessitate—as is routine in immigration proceedings—a continuance, the IJ insisted the hearing would have to be rushed to be completed that day. The IJ also effectively denied Mr. Khalil’s attorneys a legal visit that had been ordered by the district court that day. The IJ heard testimony and evidence limited to Mr. Khalil’s asylum claim and the §1227(a)(1)(A) charge, but because the IJ had already held she had no jurisdiction to consider constitutional claims and no discovery would be permitted before the agency, the hearing did not address Mr. Khalil’s constitutional claims.

On June 11, 2025, Judge Michael Farbiarz of the U.S. District Court for the District of New Jersey held that the FPG, as applied to Mr. Khalil through the Rubio Determination, is unconstitutionally vague and enjoined the government from “seeking to remove [Mr. Khalil] from the United States based on the Secretary of State’s determination[.]”

Nonetheless, the IJ issued a decision on June 20, 2025, the same day Mr. Khalil was released on bail by Judge Farbiarz, ignoring the district court’s injunction and sustaining both charges of removal, denying his asylum application, refusing to consider his request for a §1227(a)(1)(H) waiver on the second charge, and ordering Mr. Khalil removed to Algeria, or, alternatively, to Syria.

On July 18, 2025, pursuant to an order by the district court making clear that the IJ was barred from considering the FPG, the IJ issued an order reopening proceedings, and subsequently vacated her finding of removability on the FPG. On September 12, 2025, the IJ issued an amended decision denying Mr. Khalil’s request for a waiver of removability on the pretextual misrepresentation charge—waivers that multiple experts have attested are routinely granted to non-citizens who, like Mr. Khalil, have U.S. citizen immediate family members and no criminal history. Her ruling also declined to follow binding BIA precedent instructing that someone in Mr. Khalil’s position—a lawful permanent resident with strong family ties—be eligible for the waiver he sought. The IJ also denied Mr. Khalil an evidentiary hearing (which is required by statute and regulation) and, again, ordered him removed. The IJ refused to hold a hearing on Mr. Khalil’s request to transfer the venue for his case to the non-detained docket of the New York Immigration Court (which would have been the ordinary course given Mr. Khalil’s residency there).

By refusing to transfer venue, IJ Comans ensured that any order of removal would be reviewed by the Fifth Circuit Court of Appeals, which almost never grants stays of removal pending review, and not the Second Circuit Court of Appeals in which stays pending review are available. This was designed to allow federal officials to ensure Mr. Khalil’s expulsion from the United States before IJ Coman’s blatantly unconstitutional pre-ordained deportation order could be reviewed by a federal court.

Mr. Khalil appealed the IJ’s decision to the Board of Immigration Appeals (“BIA”). As the BIA is also under the influence and control of the DOJ, it too undertook corrupted,

procedurally unprecedented and outcome determinative actions to ensure compliance with the United States' government's plan to remove Mr. Khalil and make an example out of him for his pro-Palestinian advocacy.

On February 13, 2026, Mr. Khalil's immigration counsel filed a Motion to Remand with the BIA, seeking to introduce new evidence of First Amendment retaliation and to present the constitutional challenges that the IJ refused to entertain.

On April 9, 2026, the BIA dismissed Mr. Khalil's appeal and denied the Motion to Remand. The BIA upheld the FPG charge while refusing to allow any briefing on it and otherwise failing to inform Mr. Khalil that the FPG was on appeal, despite the IJ vacating the charge below. The BIA also upheld the charge under §1227(a)(1)(A), solely on the basis that Mr. Khalil allegedly willfully failed to disclose that his school-sponsored internship (which he did disclose by disclosing his employment at Columbia University) was with UNRWA.

On April 15, 2026, Mr. Khalil submitted a Motion to Reconsider with the BIA, explaining that the district court injunction was still in effect and the BIA erred in ordering removal on the FPG. Despite the remarkable speed with which the BIA issued its decision on the merits in Mr. Khalil's case—nine days after the completion of briefing—and the clear error the BIA made in ruling the district court's injunction was no longer in effect, Mr. Khalil's Motion to Reconsider remains unadjudicated more than three months after its filing.

Reporting from the New York Times has since confirmed that at least three current members of the BIA recused themselves from Mr. Khalil's case, including in the process undertaken to determine whether to publish the decision. *See* Jonah E. Bromwich & Nicholas Nehamas, *Mahmoud Khalil Hurtles Toward Potential Deportation as U.S. Speeds Case*, N.Y. Times (May 8, 2026), <https://www.nytimes.com/2026/05/08/nyregion/mahmoud-khalil-deportation-case.html> [<https://perma.cc/GX3S-9MWS>]. This was likely because those BIA officers participated, contrary to ethics and regulations, in assisting the IJ in the underlying removal proceedings against Mr. Khalil.

On May 18, 2026, Mr. Khalil filed a Motion to Reopen with the BIA based on this newly revealed information indicating that: (1) Mr. Khalil's proceedings were expedited and labeled as high profile from the outset; (2) at least three members of the BIA recused themselves from Mr. Khalil's case; (3) the agency improperly treated his case as detained, despite him never being detained during his appeal; and (4) the agency routed his case specifically to Chief AIJ Malphrus. The motion remains undecided.

Mr. Khalil has experienced severe emotional distress and mental anguish as a result of DOJ's actions against him. To this day, Mr. Khalil fears for his and his family's safety due to the U.S. government's labeling of Mr. Khalil as a U.S. foreign policy concern, as well as their public, deeply racist, and false accusations that Mr. Khalil supports Hamas or has engaged in antisemitic activity. The government's reputational harm has caused and continues to cause Mr. Khalil severe emotional distress. The government's actions—including its public targeting of and defamatory statements regarding Mr. Khalil—have resulted in irreparable damage to Mr. Khalil's professional career. In sum, Mr. Khalil's life has been totally upended. He lives every

day fearful that he could be rearrested or deported by government officials. He is not able to live with a semblance of normalcy or peace.

11. Witnesses

Other individuals who were present at Mr. Khalil's immigration proceedings are witnesses. Transcripts of the proceedings are also available.