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<https://www.columbiaspectator.com/news/2025/06/16/khalils-first-direct-statement-to-the-court-released/>

The legal team for Mahmoud Khalil, SIPA '24, submitted 17 declarations to Judge Michael Farbiarz of the District of New Jersey on June 5 describing the harm that Immigration and Customs Enforcement's detainment of Khalil has caused him and his family.

The declarations-written statements that provide relevant information to a judge-respond to Farbiarz's May 28 request for more information detailing the harms Khalil is facing resulting from his detention. Secretary of State Marco Rubio invoked a rarely used federal power to determine that Khalil's presence in the country poses "potentially serious adverse foreign policy consequences." Farbiarz ruled on Wednesday that Khalil could not be held on the basis of that statute.

The declarations are the first time Khalil has directly addressed the court about harm faced. ICE officers [<a href="https://www.columbiaspectator.com/news/2025/03/09/palestinian-activist-mahmoud-khalil-sipa-24-detained-by-immigration-and-customs-enforcement-lawyer-says/" rel="detained](https://www.columbiaspectator.com/news/2025/03/09/palestinian-activist-mahmoud-khalil-sipa-24-detained-by-immigration-and-customs-enforcement-lawyer-says/) Khalil at his University-owned residence on March 8. Khalil is a lawful permanent resident and does not have a criminal record. After being taken to a detention center in New Jersey, ICE agents moved Khalil to Louisiana, where he remains.

Following a government appeal, Farbiarz [<a href="https://www.columbiaspectator.com/news/2025/06/13/judge-rules-that-trump-administration-can-continue-detaining-mahmoud-khalil-sipa-24/" rel="ruled](https://www.columbiaspectator.com/news/2025/06/13/judge-rules-that-trump-administration-can-continue-detaining-mahmoud-khalil-sipa-24/) on Friday that the government could continue to detain Khalil on the basis of a different charge that he had omitted information on his residency application.

Khalil's legal team held a June 5 press briefing to explain the contents of the various declarations and what they aim to show Farbiarz with these statements.

Along with personal accounts from Khalil and his wife, Noor Abdalla, declarations include statements from immigration law experts on the rarity of the foreign policy used to detain Khalil. Columbia affiliates and members of the American Association of University Professors described the "chilling effect" the federal government's actions have had on political speech on campus, psychologists testified to Khalil's mental harm, and lawyers refuted [additional allegations](https://www.columbiaspectator.com/news/2025/03/26/trump-administration-brings-new-allegations-against-mahmoud-khalil-sipa-24/) brought against Khalil after his detainment.

'Irreparable harm'

The declarations were focused on demonstrating the various ways that Khalil's detainment and the Rubio determination created irreparable harm for Khalil.

In his declarations, Khalil described missing the [>birth](https://www.columbiaspectator.com/news/2025/04/21/mahmoud-khalil-sipa-24-denied-temporary-release-for-sons-birth/) of his first child on April 21 as one of the "most immediate and visceral harms" he experienced after ICE officials [>denied](https://www.columbiaspectator.com/news/2025/04/21/mahmoud-khalil-sipa-24-denied-temporary-release-for-sons-birth/) his request for temporary release.

"Instead of holding my wife's hand in the delivery room, I was crouched on a detention center floor, whispering through a crackling phone line as she labored alone," Khalil wrote. "I listened to her pain, trying to comfort her while 70 other men slept around me. When I heard my son's first cries, I buried

my face in my arms so no one would see me weep."

"This reality of all we have missed and will never get back is a weight that constantly sits on me," Abdalla wrote.

"I work on some of the hardest cases there are, including with clients facing the death penalty, and this was one of the hardest conversations I've had to have as an attorney," Amy Greer, one of Khalil's lawyers, said at the press briefing, detailing the experience of telling Abdalla that Khalil would not be released for their son's birth.

The court documents often refer to the government's unusual use of a provision in the Immigration and Nationality Act to detain Khalil as the "Rubio Determination." Khalil described how this determination cast a "shadow of suspicion" over his family, which led Abdalla and other members of Khalil's family to face harassment.

This harassment, he wrote, was not only caused by the "Rubio Determination" but also by President Donald Trump's administration's "public, deeply racist, and false accusations that I support Hamas or have engaged in antisemitic activity."

Khalil's declaration includes several March 10 X posts from the White House in which Trump called Khalil a "[>terrorist sympathizer" and a "\[>Radical Foreign Pro-Hamas Student." The declaration also mentions an April 11 X \\[>post from Secretary of Homeland Security Kristi Noem. "Mahmoud Khalil hates the United States and what we stand for-so his removal should come as welcome news," she wrote.\\]\\(https://x.com/Sec_Noem/status/1910806781862850796\\)\]\(https://x.com/WhiteHouse/status/1899151926777749618\)](https://x.com/WhiteHouse/status/1899155922842161597)

Khalil details the additional harm of his detainment through his restricted ability to "protest the ongoing genocide of the Palestinian people" and his fear that speaking out will lead to further punishment and surveillance.

Along with restricting his political expression, the declaration explains how the repercussions of the detainment to his professional life "would be career-ending." Oxfam International revoked Khalil's offer to work as a Palestine and Middle East/North Africa policy advisor on April 3.

Khalil described how the detainment and determination inhibits his current and future ability to see his mother and father. His mother received approval to obtain a U.S. visa before Khalil's detainment. Now, her visa is put under administrative processing. Khalil now faces obstacles to visit his 70-year-old disabled father in Germany, which, Khalil said, was "deeply devastating."

Two psychologists wrote to the court for additional information describing how Khalil's psychological health would be harmed due to the stigma created by the government's allegations, comments against him, and the "shock of unjust arrest."

'The Rubio Determination'

Three immigration lawyers wrote to the court in declarations on the atypical use of immigration law within the government's charges against Khalil.

Kerry Doyle, former principal legal advisor for ICE wrote that she "cannot recall" the government previously using the provision used to detain or remove a lawful permanent resident with no criminal record "based even in part on that person's constitutionally protected political speech." She added that she also could not recall a time this provision was used in a case not involving a government official.

In another declaration, Josh Paul, former director in the Bureau of Political-Military Affairs, wrote that he is "not aware of any circumstances in which the conduct of such activities by a graduate student would in any way mean that their presence in the U.S. would have 'potentially serious adverse foreign policy consequences.'"

Doyle and one of Khalil's attorneys, Johnny Sinodis, wrote that it is unusual for Khalil to be detained in a Louisiana facility, far from his home, family, and attorneys. "I cannot recall a situation in which something similar happened to one of my clients in my twenty-five plus years of private practice," Doyle wrote.

Professors and students assert 'chilling effect' on campus

Twenty-three Columbia affiliates-including 11 professors and 12 current or former students-testified to the "chilled" speech and dampening of political participation on campus. Only five professors and one student are explicitly named in the declarations.

University professors described students reducing their participation in academic events and classroom discussions, as well as posting less political content on social media, due to the chilling effect on campus since Khalil's detainment.

"As a result of the climate of fear created by the Trump administration's targeting of Mahmoud Khalil (and others), some of my colleagues at Columbia and other universities have been censoring the content of their instruction and scholarship, have avoided any political activity, and have limited their engagement on social media," Rashid Khalidi, Edward Said professor emeritus of Modern Arab Studies, wrote.

Professors described noncitizen University affiliates limiting their travel out of the country for fear of

not being able to return to the U.S., leading to financial and emotional burdens.

One professor-whose name was redacted due to fear they would be unable to travel or "other amorphous repercussions"-described one student who "has had to change his dissertation topic entirely, since it is not clear when or if he will be able to travel to conduct research."

Professors and students shared stories of students unwilling to come to campus for fear of ICE, in some cases sheltering in their homes.

Nadia Abu El-Haj, co-director of the Center for Palestine Studies and professor of anthropology, wrote, "A green card holding Palestinian student hid in his apartment for 3 weeks for fear that he would be detained by ICE agents if he was seen walking around."

Three professors shared in their declarations that they had moved events or their own classes to off-campus locations because students were afraid to be on campus.

Efforts to deport Khalil, as well as the government's targeting of Columbia affiliates [Mohsen Mahdawi](https://www.columbiaspectator.com/news/2025/04/14/palestinian-activist-mohsen-mahdawi-gs-25-detained-by-ice-at-naturalization-appointment/), GS '25, [Yunseo Chung](https://www.columbiaspectator.com/news/2025/03/25/yunseo-chung-cc-26-files-lawsuit-against-trump-amid-threat-of-deportation/), CC '26, and [Ranjani Srinivasan](https://www.columbiaspectator.com/news/2025/03/25/columbia-doctoral-candidate-ranjani-srinivasan-forced-to-flee-united-states-following-threats-from-ice-she-writes-in-statement/) sparked [protests](https://www.columbiaspectator.com/news/2025/04/17/protesters-gather-at-sundial-in-hands-of-f-rally-for-columbia-student-unions-day-of-action/) on campus.

University Provost Angela Olinto wrote on March 10 that classes could not be held on Zoom amid student requests to modify classes due to reports of ICE agents on campus. A student wrote in a declaration that this "forced students to choose between pursuing their education and navigating a hostile and repressive campus environment."

Then-interim University President Katrina Armstrong wrote in a March 13 letter to the Columbia community that she was "heartbroken" to inform the community of Department of Homeland Security agents in University-owned residences.

Many of the students redacted their names from the released declarations "because of all the same risks of retaliations that they describe in their declarations," Shezza Abboushi Dallal, BC '16, and a member of Khalil's legal defense team, said. Students also detailed experiences with international and noncitizen students who feared the government would target them if they engaged in political speech.

In one case, a student recalls a friend not feeling safe attending a seder for "anti-Zionist Jews" fearing she could lose her visa if she attended.

Another student wrote that after Khalil's detainment, she "woke up every morning and checked my phone to make sure none of my other friends were taken by ICE."

Evidence refuting additional charges

Both Khalil's legal counsel and immigration experts addressed the government's [>additional charge brought against Khalil 15 days after his detainment. The government accused him of "failure to disclose" certain associations when applying for residency, which the Department of Homeland Security claimed as grounds for removal.](https://www.columbiaspectator.com/news/2025/03/26/trump-administration-brings-new-allegations-against-mahmoud-khalil-sipa-24/)

Ira Kurzban, an immigration expert, wrote that it is "extremely unusual for a lawful permanent resident" charged with misrepresentation to be detained before removal proceedings without "aggravating circumstances such as a criminal record."

Immigration expert Stacy Tolchin, wrote in her testimony that the question which the Department of Homeland Security has accused Khalil of misrepresenting information on "is vague and ambiguous and has always been problematic in that applicants do not understand how to answer." The question has since been eliminated and replaced as of April 1, 2024.

"It is incredibly rare to see a lawful permanent resident detained and placed into removal proceedings for having failed to disclose a past membership or association on the application for adjustment of status," Tolchin wrote.

In [>appeal, the government stated that the preliminary injunction did not apply to the "failure-to-disclose charge," and therefore the court's preliminary injunction cannot contest his detainment on this second ground. Farbiarz ruled on Friday that the government could continue Khalil's detention on the basis of this charge..](https://www.columbiaspectator.com/news/2025/06/13/federal-government-asserts-authority-to-detain-khalil-on-other-grounds-after-federal-judge-rules-he-cannot-be-held-under-rare-provision/)

The Department of Homeland Security charged Khalil on March 23 with failure to disclose an internship at the United Nations Relief and Works Agency for Palestine Refugees and that he was "a member of Columbia University Apartheid Divest." Tolchin wrote that she had never witnessed a student internship or club to be the basis for misrepresentation charges.

Sinodis filed a declaration to the court providing evidence that Khalil's internship with UNRWA, for which he received course credit and a stipend, was through Columbia. According to Sinodis, the government would have already known about the internship because the State Department is notified when a student takes an internship through their university with a United Nations agency.

He also addressed the allegation that Khalil failed to disclose his membership in CUAD, one of the groups that led protests at Columbia during spring 2024. According to the declaration, during a May 22 testimony, Khalil testified that "faculty at Columbia reached out to him to act as a negotiator" and that "CUAD is not an individual member organization and did not have a formal leadership."

Sinodis further explained in his declaration that for the misrepresentation charge to stand, the Department of Homeland Security would have to prove "an alleged misrepresentation was willful, material, and made with the intent to deceive to establish inadmissibility," which it did not provide evidence for.

The government did not cross-examine after Khalil's testimony responding to these charges, nor did they mention these charges in their closing arguments filed June 2.

"They completely punted," Sinodis said. "They forwent their opportunity to go any further, and it's because there was nothing there from the very beginning. This was a retaliatory charge that was meant to provide cover, and it failed woefully."

Farbiarz noted in his decision that as these declarations describe, "lawful permanent residents are virtually never detained pending removal for the sort of alleged omissions in a lawful-permanent-resident application that the Petitioner is charged with here." He added that this indicates the basis of Khalil's detention relies on the Rubio determination.

In his Wednesday opinion, Farbiarz noted that reputational and career harm, and "chilling" of speech all can be considered "irreparable harm."

In Farbiarz's Friday opinion, he wrote that while the government can continue detaining Khalil, he can pursue alternative avenues to challenge the detainment.

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