



January 2, 2024

**Via Secure Release Portal**

U.S. Department of Homeland Security  
Privacy Office, Mail Stop 0655  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528

**Freedom of Information Act Request: Deportation of Visa Holders and  
Illegal Aliens Who Support Hamas and Call for the Destruction of Israel**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 187,000 followers, and the X page of our Founder and President has over 553,000 followers.

**I. Introduction**

Hamas's barbaric rape, murder, and mutilation of Israeli citizens and residents on October 7, 2023, was immediately celebrated and supported by students and others on American college campuses.

At Stanford University, an instructor singled out Jewish students and directed them to stand in a corner like "Israel does to Palestinians."<sup>1</sup> At Cooper Union, Jewish students were locked in a library for their own safety due to the threat posed by a

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<sup>1</sup> Ben Wilson, *Stanford Instructor Told Jewish Students To Stand in Corner Like 'Israel Does to Palestinians': Report*, THE WASHINGTON FREE BEACON (Oct. 13, 2023), <https://bit.ly/4a5V3ho>.

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growing pro-Hamas protest.<sup>2</sup> At Columbia University, multiple student groups were suspended over violating university policies despite warnings and “included threatening rhetoric and intimidation.”<sup>3</sup>

The Massachusetts Institute of Technology (MIT) balked at expelling foreign students who engaged in pro-Hamas protests directly in violation of university policies that were “personally converted to the [protest’s] organizers” because of “collateral consequences” that would result from the university enforcing its own policies; namely, MIT hoped to avoid any “visa issues” for its foreign students.<sup>4</sup> This unequal application of university policies is concerning to Americans who rely on university policies to ensure their safety and their ability to access and take full advantage of the university, as is promised to them as a term of enrollment.

The U.S. Department of Homeland Security (DHS) is tasked with protecting American citizens. Section 101 of the Homeland Security Act states that DHS’s primary mission is to prevent terrorist attacks within the United States and “reduce the vulnerability of the United States to terrorism.” This core responsibility was born from lessons learned on September 11, 2001, when terrorists, many of whom were studying in the United States or had overstayed visas, carried out the deadliest attack on American soil. Sadly, twenty-two years later, our country is witnessing public displays from terrorist sympathizers, many of whom are also visa holders or illegal aliens, engaging in violence and domestic terrorism, as defined at 18 U.S.C. § 2331(5), in support of Hamas and its aims.

8 U.S.C. § 1182(a)(3) mandates that, in addition to those who engage in terrorist activity or material support thereof, anyone who “endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization” is inadmissible into the United States and ineligible for a visa. Support for Hamas therefore renders a person ineligible for a visa and subject to deportation pursuant to 8 U.S.C. § 1201.

On October 19, 2023, Senators Rubio, Scott, Mullins, Fischer, and Ricketts wrote to Secretary Mayorkas demanding that DHS immediately perform a full review and coordinate with the Department of State to revoke the visas of those who have endorsed or espoused Hamas’ terrorist activities and then deport them.<sup>5</sup> The Senators reminded the Secretary that aside from identifying and deporting jihadist supporters, DHS should also be proactively working to ensure these aliens cannot obtain any

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<sup>2</sup> Maria Lencki, *Chants ‘Calling for the Murder of Jews’ Were Shouted at Me During Cooper Union Protest, Student Recalls*, FOX NEWS (Oct. 28, 2023), <https://fxn.ws/3NbKsHZ>.

<sup>3</sup> *Columbia University Suspends Student Groups Students for Justice in Palestine & Jewish Voice for Peace for Allegedly Violating School Policies*, CBS NEWS (Nov. 10, 2023), <https://cbsn.ws/3Gu4tFI>.

<sup>4</sup> Sally Kornbluth, *Today’s Protest and Counterprotest*, Office of the President (Nov. 9, 2023), <https://bit.ly/47QmHO4>.

<sup>5</sup> Letter from Sen. Marco Rubio, et al, to the Hon. Alejandro Mayorkas (Oct. 17, 2023), <https://www.rubio.senate.gov/rubio-colleagues-urge-removal-of-hamas-and-terrorist-supporters/>

additional immigration benefits. The Senators further reminded the Secretary that the Student and Exchange Visitor Information System (SEVIS) serves as a valuable tool for both DHS and universities to protect Americans, particularly on our university and college campuses. Under current regulations, institutions of higher education, via their designated school official (DSO), are tasked with maintaining accurate records for the students in their programs. This includes those students who have completed their course study, transferred, received a change in status as well as those who have been terminated due to violations “to school policy, standards or requirements; the student’s nonimmigrant status; or civil or criminal law.” They asked that DSOs be required to immediately report pro-Hamas or related activity, whether on campus or not, into SEVIS as a disqualifier for continued possession of a visa or lawful status as a student or exchange visitor.

Despite the clear danger Jewish, pro-Israel, and pro-American students across the country continue to face on American college campuses, college and university presidents and administrators continue to coddle, encourage, and facilitate pro-Hamas outrages.<sup>6</sup> DHS, however, has apparently failed to act.

## II. Requested Records

Pursuant to 5 U.S.C. § 552(a), AFL requests the following records for the period October 7, 2023, through the date of final processing for each item.

- A. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: “visa” or “student visa” AND “FTO,” “Hamis,” or “foreign terrorist organization.”
- B. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: “MIT,” “UPenn,” “Penn,” “Harvard,” “Columbia,” “Stanford,” “Cooper Union,” “campus,” OR “university” AND any of the terms “protest,” “demonstration,” “Jew,” “Palestine,” “Israel,” “Hamis” OR “safety.”
- C. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the

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<sup>6</sup> In testimony before Congress, MIT President Sally Kornbluth defended pro-Hamas activities including calls for intifada and the genocide of Jews. Harvard President Claudine Gay and former University of Pennsylvania President Elizabeth Magill also defended claimed that such conduct is protected free speech, and that the “context” of calls to kill Jews in Israel and elsewhere is what matters to them. *See generally Holding Campus Leaders Accountable and Confronting Antisemitism Before H. Comm. on Educ. and Workforce*, 118th Cong. (2023).

following phrases or words: “MIT,” “UPenn,” “Penn,” “Harvard,” “Columbia,” “Stanford,” “Cooper Union,” “campus,” OR “university” AND the term “visa.”

- D. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words in either the text of the record or as part the address for a sender or receiver: “mit.edu,” “upenn.edu,” “cooper.edu,” “harvard.edu,” “stanford.edu,” and “columbia.edu.”
- E. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications sent to or from the custodians containing any one of the following phrases or words: “Hammas,” “CAIR,” “Students for Justice in Palestine,” Jewish Voice for Peace,” “J Street,” “By Any Means Necessary,” “Within Our Lifetime,” “Council of Muslim Organizations,” “Democratic Socialists of America,” “Islamic Circle of North America (ICNA),” “ICNA Relief,” “Islamic Relief Worldwide,” “Dar Al-Hijrah mosque,” “Nejwa Ali,” “Palestinian Youth Movement,” ”ANSWER,” ”Al-Awda,” “Zakat Foundation,” “American Muslims for Palestine,” “Alliance for Global Justice,” “Palestine Legal,” “Tides Foundation,” “National Lawyers Guild,” or “Samidoun.”
- F. All records regarding or of the Department’s response to the letter from Sen. Marco Rubio to Secretary Mayorkas dated October 17, 2023, and referenced at <https://www.rubio.senate.gov/rubio-colleagues-urge-removal-of-hamas-and-terrorist-supporters/>.

### **III. Custodians**

- A. Alejandro Mayorkas
- B. Kristie Canegallo
- C. Jonathan Davidson
- D. Deborah Fleischaker
- E. Jonathan E. Meyer
- F. Robert Silvers
- G. Samantha Vinograd
- H. Blas Nuñez-Neto
- I. Ur M. Jaddou
- J. Zephrahanie Buetow
- K. Daniel Watson

- L. Luis Miranda
- M. Sarah Schakow
- N. Jeff Solnet

#### **IV. Fee Waiver**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies; we have been granted fee waivers by the Departments of State, Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest in this request, which is made entirely to serve the public interest. Finally, disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and of government operations. *See* 6 CFR 5.11(k). We are available to provide additional information in writing or offline to support this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.<sup>7</sup> If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

#### **V. Expedited Processing**

AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing.

AFL is "primarily engaged in disseminating information" under 6 CFR 5.5(e)(1)(ii). As explained below, this request is "urgent" because it seeks information regarding the conditions that are leading college presidents in the United States to not enforce their campus conduct policies against pro-Hamas students, at least some of whom are in the United States on student visas. This issue is of "widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence," 6 CFR 5.5(e)(1)(iv). Accordingly, AFL is seeking information about the measures taken by DHS to enforce the law and protect the homeland against international and domestic terrorists. Among other things, DHS's inaction is causing American citizens to endure and to perceive harassment as a threat to their safety. 6 CFR 5.5(e)(1)(i).

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<sup>7</sup> U.S. DEPT JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.

Prompt disclosure of this information will inform the citizens about the operation of the government and enforcement of our immigration laws, and provide Congress, the media, and voters with critical insight into DHS's response to coordinated acts of violence against American citizens.

## **VI. Conclusion**

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Will Scolinos

America First Legal Foundation