

U.S. judge rules Trump cannot use foreign policy claim to deport Mahmoud Khalil



Newark, June 12 (RHC)-- A U.S. federal judge in New Jersey has ruled the administration of President Donald Trump cannot use an obscure law to detain Columbia University student Mahmoud Khalil for his pro-Palestine advocacy.

The ruling from U.S. District Judge Michael Farbiarz on Wednesday cut to the core of the Trump administration's justification for deporting Khalil, a permanent U.S. resident. But it came short of ordering Khalil's immediate release from detention.

Instead, Judge Farbiarz gave the administration until 9:30 a.m. local (13:30 GMT) on Friday to appeal. After that point, Khalil would be eligible for release on a \$1 bail.

Nevertheless, the judge wrote that the administration was violating Khalil's right to free speech by detaining and trying to deport him under a provision of the Immigration and Nationality Act of 1952. That provision allows the secretary of state to remove foreign nationals who bear "potentially serious adverse foreign policy consequences for the United States."

Judge Farbiarz has previously signalled he believes that provision to be unconstitutional, contradicting the right to free speech. "The petitioner's career and reputation are being damaged and his speech is being chilled," Farbiarz wrote on Wednesday. "This adds up to irreparable harm."

Khalil was arrested on March 8th after immigration agents showed up at his student apartment building at Columbia University in New York City. After his arrest, the State Department revoked his green card. He has since been held at an immigration detention centre in Louisiana.

The administration has accused Khalil, a student protest leader, of anti-Semitism and supporting Hamas, but officials have offered no evidence to support their claims, either publicly or in court files.

Critics have instead argued that the administration is using such claims to silence all forms of pro-Palestine advocacy. Like other student protesters targeted for deportation, Khalil is challenging his deportation in immigration court, while simultaneously challenging his arrest and detention in federal proceedings.

The latter is called a habeas corpus petition, and it asserts that the Trump administration has violated his civil liberties by unlawfully keeping him behind bars.

While students in the other high-profile cases — including Mohsen Mahdawi, Rumeysa Ozturk and Badar Khan Suri — have all been released from detention as their legal proceedings move forward, a ruling in Khalil's case has been slower coming.

In April, an immigration judge had ruled that Khalil was deportable based on the State Department's interpretation of the 1952 law, despite a written letter from US Secretary of State Marco Rubio providing no further evidence for the allegations made against him.

Immigration judges fall under the executive branch of the U.S. government and are generally considered less independent than judges in the judicial branch. Also that month, immigration authorities denied Khalil's request for temporary release for his son's birth.

In the case before the New Jersey federal court, meanwhile, the Trump administration has argued that Khalil was not fully transparent in his green card application, something his lawyers deny. But Judge Farbiarz indicated on Wednesday that it was unusual and "overwhelmingly unlikely" for permanent residents to be detained on such grounds.

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