Congress of the United States

Washington, DC 20515

March 2, 2026

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Rubio:

We write with regard to recent disclosures that the government appeared to target students largely based on their speech,[1] potentially violating their First Amendment rights while seeking their deportation despite the fact that none of these students were accused of a crime at the time or have been to date.[2]

In the spring of 2025, you "personally approved the deportation of five students activists" based on an ill-conceived, and unconstitutional, legal theory.[3] At the time, we raised concerns that this was part of a broader pattern of arresting students with valid green cards and visas because of their political views.[4] Recently unsealed court documents confirm that the State Department and Immigrations and Customs Enforcement (ICE) assessed the students' speech and participation in protests around the war in Gaza and that you personally approved their arrest and the revocation of their visas in the United States.[5] The documents show that the Department of

[1] New York Times, "D.H.S. Cited Foreign Students' Writings and Protests Before Their Arrests," Zach Montague, January 22, 2026, https://www.nytimes.com/2026/01/22/us/politics/trump-rubio-student-speech.html.

[2] Washington Post, "Judge limits government actions against students, scholars in free speech case," Joanna Slater, January 22, 2026, https://www.washingtonpost.com/nation/2026/01/22/free-speech-court-order-trump-administration-protesters/.

[3] New York Times, "D.H.S. Cited Foreign Students' Writings and Protests Before Their Arrests," Zach Montague, January 22, 2026, https://www.nytimes.com/2026/01/22/us/politics/trump-rubio-student-speech.html.

[4] Letter from U.S. Senator Elizabeth Warren, U.S. Representative Ayanna Pressley, U.S. Senator Ed Markey, et al. to Secretary of Homeland Security Kristi Noem, Immigration and Customs Enforcement Acting Director Todd Lyons, and Secretary of State Marco Rubio, March 27, 2025, https://www.warren.senate.gov/imo/media/doc/warren_letter_re_ozturk.pdf.

[5] New York Times, "D.H.S. Cited Foreign Students' Writings and Protests Before Their Arrests," Zach Montague, January 22, 2026, https://www.nytimes.com/2026/01/22/us/politics/trump-rubio-student-speech.html; U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: (SBU) Removal of Yunseo Chung and Mahmoud Khalil, both U.S. LPRs, under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 8, 2025, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: Determination of Deportability of Mohsen Mahdawi, a U.S. Lawful Permanent Resident (LPR), under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: (SBU) Determination for Deportability of Badar Khan Suri under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Deputy Assistant Secretary Stuart Wilson, "Action Memo for Senior Bureau Official John

Homeland Security (DHS) provided summaries to State evaluating the students' articles, speeches, and social media posts.[6] Testimony by a DHS official affirms that the Department's work was heavily informed by organizations called Canary Mission, "an opaque, anonymous pro-Israel group," and Betar U.S.[7]

These reports reveal that State and ICE took these actions even though government "officials privately anticipated the possibility that the deportations might not hold up in court because much of the conduct highlighted could be seen as protected speech."[8] For example, a State Department official determined that "a court may consider [one student's] actions inextricably tied to speech protected under the First Amendment."[9]

We are particularly concerned by the unprecedented use of Section 237 of the Immigration and Nationality Act (INA) to justify many of these removals.[10] The provision states that, "[a]n alien whose presence or activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is deportable."[11] You were reportedly advised that in "cases in which the basis for this determination is the alien's past, current, or expected beliefs, statements, or associations that are otherwise lawful, the Secretary of State must personally determine that the alien's presence or activities would compromise a compelling U.S. foreign policy interest."[12] Before your decision

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Armstrong: (SBU) Revocation of F1 Visa for Rumeysa OZTURK," memorandum, March 21, 2025, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[6] Washington Post, "Judge limits government actions against students, scholars in free speech case," Joanna Slater, January 22, 2026, https://www.washingtonpost.com/nation/2026/01/22/free-speech-court-order-trump-administration-protesters/; New York Times, "Immigration Officials Used Shadowy Pro-Israel Group to Target Student Activists," Zach Montague, July 9, 2025, https://www.nytimes.com/2025/07/09/us/politics/ice-canary-mission-student-deportations.html.

[7] *Id;* ; AAUP et al. v. Rubio et al., Civil Action No. 25-10685-WGY, September 30, 2025, 2025, p. 26, https://www.courthousenews.com/wp-content/uploads/2025/09/ice-palestine-protest-arrest-ruling.pdf.

[8] *Id.*

[9] U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: Determination of Deportability of Mohsen Mahdawi, a U.S. Lawful Permanent Resident (LPR), under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, p. 4, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[10] U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Removal of Yunseo Chung and Mahmoud Khalil, both U.S. LPRs, under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 8, 2025, p. 2, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: Determination of Deportability of Mohsen Mahdawi, a U.S. Lawful Permanent Resident (LPR), under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, pp. 1-2, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Determination for Deportability of Badar Khan Suri under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, pp. 1-2, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[11] 8 USC 1227 (a)(4)(C).

[12] U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: Determination of Deportability of Mohsen Mahdawi, a U.S. Lawful Permanent Resident (LPR), under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, p. 2, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Determination for Deportability of Badar Khan Suri under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, p.

to revoke the visas, the State Department itself acknowledged that it was not aware "of any prior exercises of the Secretary's removal authority in INA Section 237(a)(4)(C)," and that the courts might "scrutinize the basis for these determinations."[13] In one case, you appear to have also relied on Section 221(i) of the INA to revoke the visa of a student who engaged in activity protected by the First Amendment and pursue their deportation.[14]

You personally justified the removals of these students by citing a national foreign policy objective of combatting anti-Semitism, while on social media labeling some of the students as supporting terrorists.[15] However, in the case of Tufts student Rümeysa Öztürk, the State Department wrote that "DHS/ICE/HIS has not…provided any evidence showing that OZTURK has engaged in any antisemitic activity or made any public statements indicating support for a terrorist organization or antisemitism generally."[16] The State Department further determined in an internal memo that DHS was unable to identify ***any*** other legal avenue for deporting Columbia University students Yunseo Chung, Mohsen Mahdawi, or Mahmoud Khalil, including removability on the grounds of a noncitizen having "provided material support to a foreign terrorist organization or terrorist activity."[17] The State Department made the same determination

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2, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[13] U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Removal of Yunseo Chung and Mahmoud Khalil, both U.S. LPRs, under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 8, 2025, p. 3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[14] U.S. Department of State, "Action Memo for Senior Bureau Official John Armstrong: (SBU) Revocation of F1 Visa for Rumeysa OZTURK," March 21, 2025, pp. 1-3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; 8 U.S.C. 1201(i); New York Times, "Immigration Judge Says Trump Administration Cannot Deport Tufts Student," Jonah E. Bromwich, February 10, 2026, https://www.nytimes.com/2026/02/10/us/immigration-judge-tufts-student-rumeysa-ozturk.html; AAUP et al. v. Rubio et al., Civil Action No. 25-10685-WGY, September 30, 2025, 2025, pp. 34, 69-71, https://www.courthousenews.com/wp-content/uploads/2025/09/ice-palestine-protest-arrest-ruling.pdf.

[15] New York Times, "D.H.S. Cited Foreign Students' Writings and Protests Before Their Arrests," Zach Montague, January 22, 2026, https://www.nytimes.com/2026/01/22/us/politics/trump-rubio-student-speech.html; Post on X by U.S. Secretary of State Marco Rubio, March 9, 2025, https://x.com/marcorubio/status/1898858967532441945; Post on X by U.S. Department of Homeland Security, April 30, 2025, https://x.com/DHSgov/status/1917702805520818545; Post on X by U.S. Department of Homeland Security, April 30, 2025, https://x.com/DHSgov/status/1917702800944885953; U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Removal of Yunseo Chung and Mahmoud Khalil, both U.S. LPRs, under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 8, 2025, p. 3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Determination for Deportability of Badar Khan Suri under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, p. 3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf. U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: Determination of Deportability of Mohsen Mahdawi, a U.S. Lawful Permanent Resident (LPR), under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," John Armstrong, March 15, 2025, pp. 2-3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[16] U.S. Department of State Deputy Assistant Secretary Stuart Wilson, "Action Memo for Senior Bureau Official John Armstrong: (SBU) Revocation of F1 Visa for Rumeysa OZTURK," memorandum, March 21, 2025, p. 2, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[17] U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Removal of Yunseo Chung and Mahmoud Khalil, both U.S. LPRs, under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 8, 2025, p. 3,, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf;U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: Determination of

in the cases of Rümeysa Öztürk and Georgetown University student Badar Khan Suri, conceding that it could not identify factual grounds for deportation based on support to a foreign terrorist organization.[18] These State Department's assessments raise serious concerns about the factual basis of your decisions under the authority granted in INA Sections 237(a)(4)(C) and 221(i) and whether you purposely misled the public about your use of these authorities.

The released memos also raise substantial questions about the process the State Department follows, if any, in independently verifying the evidence presented by DHS in whether to pursue deportations.

In attempting to deport these five students, a court ruled that you took actions "to chill the rights to freedom of speech and peacefully to assemble" of students and academics across the country.[19] Already, noncitizen student journalists at other universities have attested to their inability to freely cover the impact of the war in Gaza on their campuses, even as the administration attempts to dismiss their cases against the federal government under the claim that the government "do[es] not pursue visa revocations and removal proceedings purely based on political speech."[20] These documents seem to suggest otherwise. This abuse of your authority risks normalizing a future where Secretaries of State may summarily revoke visas based on speech, depriving individuals of their rights and whittling down the guarantees of the First Amendment.

In order to fulfill our legislative responsibilities, we request that you provide written responses to the following questions no later than March 16, 2026:

Questions

1. Since 1990, in how many cases has the Secretary of State personally determined that a noncitizen should be deported pursuant to INA Section 237(a)(4)(C)?
    a. Please provide a list of all instances in which a former Secretary of State has invoked this authority, and the circumstances for such invocation. Include the date of the invocation of the authority, the individual identified for removal, and the current status of those proceedings.
    b. Please provide a list of all instances in which a former Secretary of State has invoked this authority, and under what circumstances they did so. Include the date

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Deportability of Mohsen Mahdawi, a U.S. Lawful Permanent Resident (LPR), under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, p. 3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[18] U.S. Department of State Senior Bureau Official John Armstrong, "(SBU) Determination for Deportability of Badar Khan Suri under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 15, 2025, pp. 3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf; U.S. Department of State Deputy Assistant Secretary Stuart Wilson, "Action Memo for Senior Bureau Official John Armstrong: (SBU) Revocation of F1 Visa for Rumeysa OZTURK," memorandum, March 21, 2025, p. 3, https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf.

[19] AAUP v. Rubio, Civil Action No. 25-10685-WGY, September 30, 2025, 2025, pp. 4-5, https://www.courthousenews.com/wp-content/uploads/2025/09/ice-palestine-protest-arrest-ruling.pdf.

[20] Foundation for Individual Rights and Expression, "EXPLAINER: Why Marco Rubio's arguments for deporting noncitizens for speech are wrong," Angel Eduardo, October 21, 2025, https://www.thefire.org/news/explainer-why-marco-rubios-arguments-deporting-noncitizens-speech-are-wrong.

of the invocation of the authority, the individual identified for removal, and the current status of those proceedings.

2. For how many individuals have you personally determined that a noncitizen's presence in the United States compromises a compelling United States foreign policy interest and recommended the initiation of deportation proceedings pursuant to INA section 237(a)(4)(C)?
    a. Please provide a list of all such individuals, the compelling foreign policy interest for such determinations, and the date of each authorization.

3. How many individuals have had their nonimmigrant visas revoked pursuant to INA section 221(i) based on speech or other activity normally protected by the First Amendment of the United States Constitution?

4. What is the State Department's current policy for assessing whether to pursue deportations under INA Section 237(a)(4)(C)?
    a. Does the State Department have an independent process for verifying factual assessments made by ICE, other parts of DHS, or any other U.S. Government (USG) agency when pursuing an INA Section 237(a)(4)(C) removal?
        i. If so, provide any documentation reflecting the procedures of this process.
    b. Has the State Department made any revisions to its policy for deportation under INA Section 237(a)(4)(C) since January 2025?
        i. If so, please provide documentation and description of any updates.
    c. Did information from Canary Mission or Betar U.S. inform the State Department's determination when recommending any INA Section 237(a)(4)(C) removals?
        i. Does the State Department ever consider input from political organizations in establishing the factual basis for its determinations in INA Section 237(a)(4)(C)? If so, what criteria does the Department use to determine the credibility of the information provided and the integrity of the organization?
    d. Does the State Department have a process for receiving recommendations for revoking visas and pursuing deportations under INA Section 237(a)(4)(c)?
        i. If so, please provide a copy of any policy that documents this process.
    e. Does the State Department have any partnerships with outside organizations to investigate visa holders subject to an INA Section 237(a)(4)(C) removal?
        i. If so, please provide a list of outside organizations that the Department partners with, and a description of their contracted or agreed-upon responsibilities in this process.
    f. Have you met the statutory requirement to notify the Chair of the appropriate committees of jurisdiction of the invocation of INA Section 237(a)(4)(C)?[21]
        i. Please produce copies of any notifications that were provided.
        ii. If notifications were not provided, what was the basis for not providing those notifications?

[21] 8 U.S.C. 1227(4)(C)(iii); 8 U.S.C. 1182(a)(3)(C).

5. What is the State Department's current policy for reviewing visa revocation and denial under INA 221(i)?
    a. Does the State Department have an independent process for verifying factual assessments made by ICE, other parts of DHS, or any other U.S. Government (USG) agency when pursuing an INA Section 221(i) visa revocation?
        i. If so, provide any documentation reflecting the procedures of this process.
    b. Did information from Canary Mission or Betar U.S. inform the State Department's determination when recommending any INA Section 221(i) removals?
        i. Does the State Department ever consider input from political organizations in establishing the factual basis for its determinations under INA Section 221(i)? If so, what criteria does the Department use to determine the credibility of the information provided and the integrity of the organization?
    c. Has the State Department made any revisions to its policy for visa revocation under INA Section 221(i) since January 2025?
        i. If so, please provide documentation and description of any updates.
    d. Does the State Department have a process for receiving recommendations for revoking visas under INA Section 221(i)?
        i. If so, please provide a copy of any policy that documents this process.
    e. Does the State Department have any partnerships with outside organizations to investigate visa holders to pursue INA Section 221(i) revocations?
        i. If so, please provide a list of outside organizations that the Department partners with, and a description of their contracted or agreed-upon responsibilities in this process.

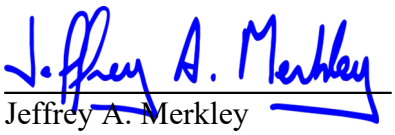
Sincerely,

Elizabeth Warren
United States Senator

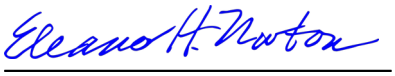
Ayanna Pressley
Member of Congress

Edward J. Markey
United States Senator

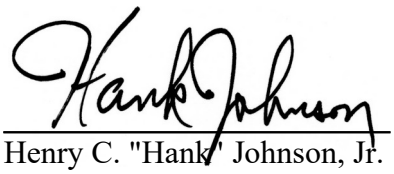
Chris Van Hollen
United States Senator



Jeffrey A. Merkley
United States Senator



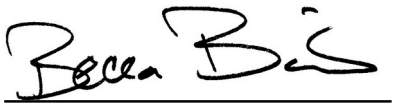
Eleanor Holmes Norton
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress

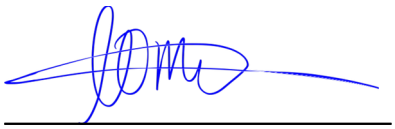
Rashida Tlaib
Member of Congress

Summer L. Lee
Member of Congress



Becca Balint
Member of Congress

Delia C. Ramirez
Member of Congress



Ilhan Omar
Member of Congress

Greg Casar
Member of Congress

James P. McGovern
Member of Congress

Jesús G. "Chuy" García
Member of Congress

Bernard Sanders
United States Senator

CC:

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
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Washington, DC 20024