

The Human Rights Impacts of Administrative Measures to Counter Terrorism and (Violent) Extremism in the United States

Submission to the United Nations Special Rapporteur on Counter-Terrorism and Human Rights

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15 organizations that have chosen to remain anonymous

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Introduction



The Charity & Security Network (C&SN) thanks the Special Rapporteur on Counter-Terrorism and Human Rights for the opportunity to submit input on the important topic of the protection of human rights impacts of administrative measures to counter terrorism and violent extremism.

C&SN¹ is a resource and advocacy center for nonprofit organizations (NPOs) focused on defending the civil society space from overreaching national security measures. We work to promote and protect the ability of nonprofits to carry out effective programs that support human rights, peacebuilding, and aid civilians in areas of disaster and armed conflict. Our network comprises over 200 organizational members across dozens of countries, including lawyers, nonprofit professionals, human rights defenders, and civil society members across the globe. We hold expertise in navigating United States (U.S.) sanctions², in U.S. and United Nations (UN) humanitarian exemptions to support activities and transactions that would otherwise be prohibited in sanctioned and FTO contexts³, in human rights and counter-terrorism measures, and issues of financial access, the protection of civil society organizations amidst politically motivated attacks, amongst other topics outside the realm of this submission. Our members have cited administrative counterterrorism (CT) measures as a major barrier to their ability to operate. Consequently, we are encouraged by the Special Rapporteur's interest in this topic.

¹ Charity-And-Security. (2025, May 21). Home - Charity & Security Network. Charity & Security Network.

<https://charityandsecurity.org/>

² Charity-And-Security. (2025, May 15). C&SN Submits Input to UN Special Rapporteur on Unilateral Coercive Measures and Humanitarian Action - Charity & Security Network. Charity & Security Network.

<https://charityandsecurity.org/news/csn-submits-input-to-un-special-rapporteur-on-unilateral-coercive-measures-and-humanitarian-action/>

³ Charity-And-Security. (2024, December 23). A Study on the Impacts of UN Security Council Resolution 2664 on Financial Institutions & Donors - Charity & Security Network. Charity & Security Network.

<https://charityandsecurity.org/csn-reports/new-csn-report-a-study-on-the-impacts-of-un-security-council-resolution-2664-on-financial-institutions-donors/>

To inform this submission, C&SN hosted an online roundtable discussion through its Civil Society Rights & Resiliency Project ⁴, which stemmed from efforts in creating resiliency resources for the civil society sector in the U.S. in response to shrinking civic space and politically motivated attacks against the nonprofit sector. The roundtable comprised twenty-four representatives from civil society organizations (CSOs) based in the U.S. who raised key issues surrounding the protection of human rights when countering terrorism. Our goal in this submission is to bring together common concerns and trends on the human rights impacts of administrative measures on civil society operations and organizations amid a rapidly shrinking operational space for CSOs in the U.S. In addition to partners who gave input but chose to remain anonymous, this input is submitted by C&SN jointly with the Advocacy for Principled Action in Government, Center for Civil Society and Democracy, Global Center on Cooperative Security, Muslim Advocates, Muslim Legal Fund of America, and the Organization for Identity and Cultural Development.

⁴Charity-And-Security. (2025, May 28). Civil Society Rights & Resiliency Resources - Charity & Security Network. Charity & Security Network.
<https://charityandsecurity.org/protecting-nonprofits/civil-society-resilience-resources/>



**I. General Trends and
Observations on the
Impact of
Administrative
Measures on Human
Rights in the U.S.**

UNITED STATES
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Administrative measures in counter-terrorism, such as executive orders (EOs), sanctions, immigration restrictions, and enhanced surveillance, are often implemented without adequate due process, transparency, and judicial oversight as they normally stem from executive action or authority combined with national security justifications.⁵ For this reason, while purportedly intended to prevent terrorism, their design and application frequently lead to disproportionate human rights impacts.

In the U.S., the government increasingly deploys and expands administrative CT measures, often resulting in significant human rights concerns and operational challenges for civil society. The U.S. government, particularly the executive branch, has accelerated the expanded use of these measures in recent months under the new Trump Administration, impacting civic space domestically and around the globe.

The Trump Administration's actions have drastically affected civic freedoms in the U.S. in just a few short months. In Mar. 2025, CIVICUS added the U.S. to the CIVICUS Monitor Watchlists “due to threats to civic freedoms under the Trump Administration.”⁶ In Apr. 2025, U.S.-based National Public Radio (NPR) reported that a survey⁷ of more than 500 political scientists found that “the vast majority think the United States is moving swiftly from liberal democracy toward some form of authoritarianism.”⁸

⁵ Independent Global Study on the Impact of Counter-Terrorism Measures on Civil Society. (p. 58-63)

https://defendcivicspace.com/wp-content/uploads/2024/01/SRCT_GlobalStudy-1.pdf ; See also Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/HRC/40/52, paras. 20-22, <https://docs.un.org/en/A/HRC/40/52>.

⁶ CIVICUS. (2025, March 10). Trump administration puts US civic freedoms under severe threat – CIVICUS Monitor Watchlist.

<https://civicus.org/index.php/media-resources/news/7559-trump-administration-puts-us-civic-freedoms-under-severe-threat-civicus-monitor-watchlist>

⁷ Bright Line Watch. (n.d.). <https://brightlinewatch.org/>

⁸ Langfitt, F. (2025, April 22). Hundreds of scholars say U.S. is swiftly heading toward authoritarianism. NPR.

<https://www.npr.org/2025/04/22/nx-s1-5340753/trump-democracy-authoritarianism-competitive-survey-political-scientist>

The Trump Administration has issued EOs targeting universities, law firms, immigrant communities, LGBTQIA+ communities, organizations and individuals supporting Palestine, diversity, equity, and inclusion (DEI) policies and protections, health protections, foreign assistance programs and organizations, and other orders that contribute to chilling civic space and freedom and the elimination of policies that support a robust environment for democracy and human rights work. Many of these EOs and actions taken by the Administration have been issued in the name of countering terrorism, or under the guise of national security, skirting the constitutional and international human rights protections afforded to all individuals under U.S. law and international law. This submission will focus on these administrative actions completed in the name of countering terrorism, though many of the above-listed measures continue to shrink civic space in other ways with the intent of silencing political dissent amongst human rights defenders.

The U.S. government has expanded the CT framework in the U.S. through the following administrative measures, negatively impacting human rights and civic freedoms:

- The issuance of Presidential EOs;
- Designations of Foreign Terrorist Organizations (FTOs), Specially Designated Global Terrorism Designations (SDGTs),
- Designations of Specially Designated Nationals (SDNs) and expansion of sanctions regimes;
- Increased immigration regulations and enforcement;
- Department of Justice (DOJ) guidelines and task forces for terrorism-related offenses;
- Dismantling of federal agencies responsible for oversight mechanisms; and,
- Attempted weaponization and abuse of administrative laws and agencies by the U.S. Congress.

II. U.S. Material Support Laws: The Existing Overbroad Framework



U.S. law broadly prohibits material support to designated FTOs and sanctioned entities. The overbroad application of FTO designations and related material support laws has created significant legal and operational risks for humanitarian organizations and civil society actors working in the U.S. and abroad, often leading to a chilling impact on operations and the inability to deliver critical aid in areas where FTOs operate.⁹ C&SN partner organizations note that the lack of clear definitions of what constitutes material support and what is exempt for assistance purposes has caused operational barriers for human rights groups for decades.¹⁰

The primary prohibition on material support of terrorism is in the Anti-Terrorism and Effective Death Penalty Act (AEDPA)¹¹, which prohibits material support to FTOs designated by the Secretary of State. The AEDPA definition of material support prohibits providing funds, weapons, and the like, as well as technical advice and assistance, training, personnel, and services. In addition to the FTO list, the material support prohibition applies to a broader list of terrorist entities and individuals designated by the Department of the Treasury under sanctions laws, primarily the International Emergency Economic Powers Act (IEEPA)¹². EOs issued under the authority of various sanctions statutes have also included a prohibition on providing material support, without defining it. In the absence of a definition, the AEDPA definition is generally referred to for sanctions compliance purposes.

⁹ Charity-And-Security. (2021, September 6). The Prohibition on Material Support and Its Impacts on Nonprofits - Charity & Security Network. Charity & Security Network. <https://charityandsecurity.org/issue-briefs/the-prohibition-on-material-support-and-its-impacts-on-nonprofits/>

¹⁰ Charity-And-Security. (2020, July 23). Safeguarding Humanitarianism in Armed Conflict: A Call for Reconciling International Legal Obligations and Counterterrorism Measures in the United States - Charity & Security Network. Charity & Security Network. https://charityandsecurity.org/csn-reports/safeguarding__humanitarianism_in_armed_conflict/

¹¹ United States Congress. (1996). Antiterrorism and Effective Death Penalty Act of 1996. In PUBLIC LAW: Vol.110 STAT. 1214 (Legislation No. 104-132). <https://www.congress.gov/104/plaws/publ132/PLAW-104publ132.pdf>

¹² International Emergency Economic Powers Act, 50 U.S.C. §§ 1701-1707.

Treasury's SDN list combines sanctioned persons and entities from the various sanctions programs, including terrorists (such as the SDGT lists, created by EOs), and is much larger than the FTO list.¹³ The Immigration and Nationality Act (INA)¹⁴ also has a bar on material support, which is different from and somewhat broader than the AEDPA definition, and is discussed in greater detail below. It is sometimes used outside the immigration context.¹⁵

The U.S. material support laws negatively impact humanitarian, peacebuilding, and other assistance organizations operating in areas where FTOs are either present or acting as de facto government authorities. In recent years, U.S. states have adopted their own material support laws, a development that raises concerns for U.S. grassroots organizations and activists because these laws could target them for free speech activities that the Administration views as politically adverse.¹⁶ Charities¹⁷ and defense attorneys have been targeted under these laws in the past,

¹³ The Prohibition on Material Support and Its Impacts on Nonprofits - Charity & Security Network.

<https://charityandsecurity.org/issue-briefs/the-prohibition-on-material-support-and-its-impacts-on-nonprofits/>

¹⁴ Immigration and Nationality Act of 1952, 8 U.S.C. §§ 1101.

¹⁵ See Charity-And-Security. (2019, October 22). Material Support Definitions - Charity & Security Network. Charity & Security Network.

https://charityandsecurity.org/material-support/material_support_definitions/

¹⁶ Muslims for Just Futures, Ahmad, B., & Raja, D. (2025). The Criminalization of Solidarity: A Practical guide for movements and communities navigating Material Support for Terrorism (MST) laws.

<https://static1.squarespace.com/static/62f6eeaa7d72140f2766c235/t/67cb4963d1e6a7624307a8dc/1741375843975/Criminalizing+Solidarity+Guide+%7C+March+2025.pdf>

¹⁷ Charity-And-Security. (2020, September 3). USA v. Holy Land Foundation for Relief and Development - Charity & Security Network. Charity & Security Network.

<https://charityandsecurity.org/litigation/holy-land-foundation/>

creating a significant chilling effect on NPO operations.¹⁸

Now, the U.S. government continues to expand the already broad U.S. CT framework through administrative measures, most notably EOs, without considering the human rights implications of doing so or addressing the existing laws' already problematic and overbroad nature. Furthermore, statements by the Administration and its supporters are evidence that these measures are intended to specifically target human rights groups and civil society with stances that are adverse to the policies and political goals of the Administration.¹⁹

The CSOs most impacted by these administrative measures discussed in this submission include groups operating in Palestine, pro-Palestinian advocacy, student protests, immigration, and international assistance spaces.

¹⁸ Muslims for Just Futures, Ahmad, B., & Raja, D. (2025). The Criminalization of Solidarity: A Practical guide for movements and communities navigating Material Support for Terrorism (MST) laws.

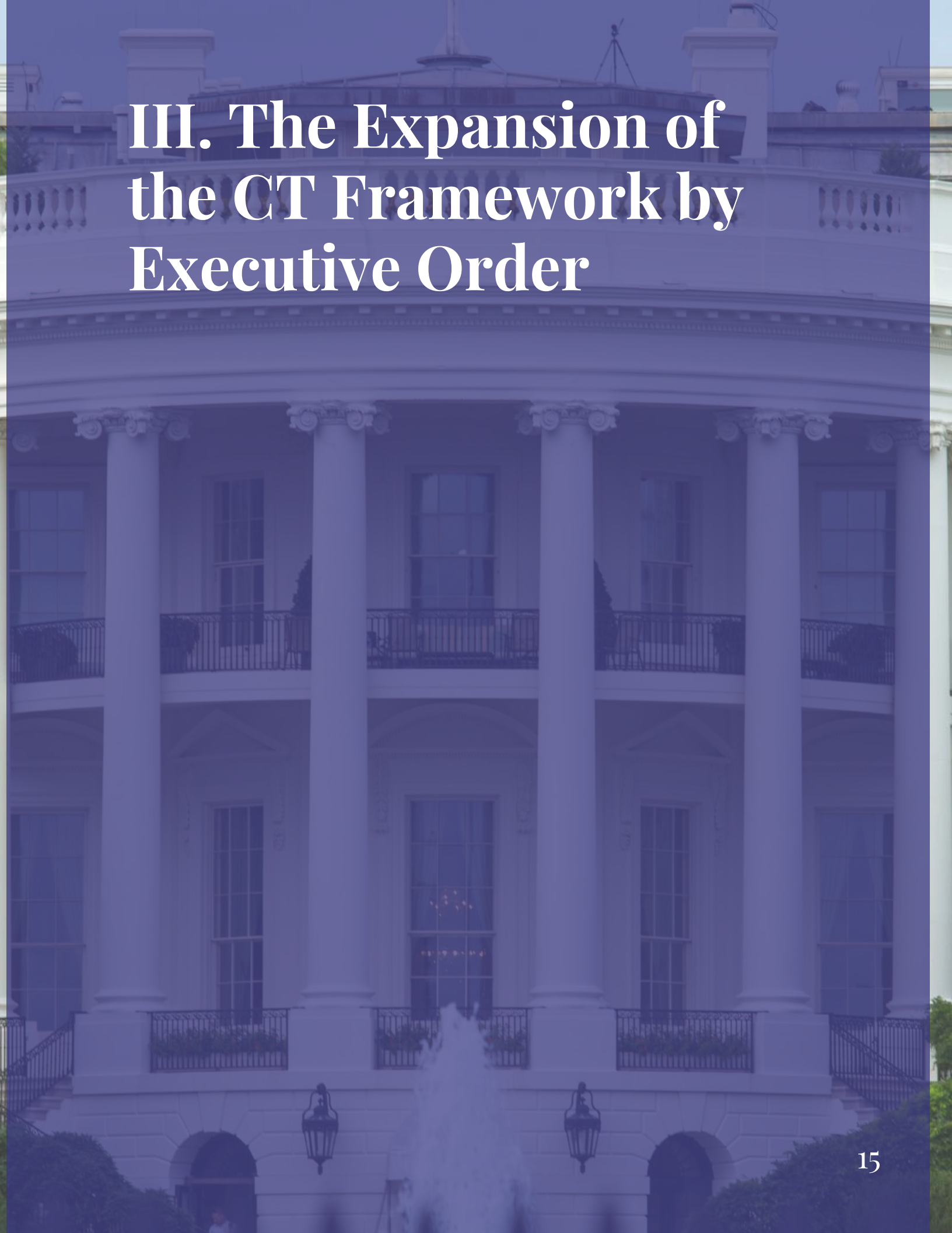
<https://static1.squarespace.com/static/62f6eeaa7d72140f2766c235/t/67cb4963d1e6a7624307a8dc/1741375843975/Criminalizing+Solidarity+Guide+%7C+March+2025.pdf>; see also

Li, D., Center for Constitutional Rights, & Palestine Legal. (2024). Anti-Palestinian at the core: The origins and growing dangers of U.S. Antiterrorism law (B. Azmy, D. Khalidi, M. LaHood, D. Saba, & D. Shamas, Eds.).

https://ccrjustice.org/sites/default/files/attach/2024/02/Anti-Palestinian%20at%20the%20Core_White%20Paper_0.pdf

¹⁹ Bredemeier, K. (2025, March 10). Trump vows crackdown on pro-Palestinian protesters. Voice of America.

<https://www.voanews.com/a/trump-vows-crackdown-on-pro-palestinian-protesters/8005926.html>



III. The Expansion of the CT Framework by Executive Order

The current Administration has expanded the application of the U.S. CT framework through Presidential EOs. An EO is a written directive from the President to the federal government, ensuring the execution of laws.²⁰ In the U.S., the President has the authority to issue EOs through Article II of the Constitution, which states that the President "take care that the laws be faithfully executed."²¹ However, EOs may not override or violate current federal law and must remain within the executive branch's authority.²² As of the date of this submission, since Donald Trump became President in Jan. 2025, he has signed 157 executive orders.²³ Many of these orders, issued for stated reasons of "national security," have weaponized this authority to target and intimidate foreign nationals and student protestors, immigrants, and Palestinian and pro-Palestinian organizations. They have further expanded the CT framework and authorities without adequate safeguards, and contributed to the shrinking of civic space for NPOs operating in the U.S. and abroad. These EOs continue to face challenges in the legal system²⁴, but their impact on civil society work has nonetheless been severe.

²⁰ What is an executive order? (n.d.).

https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/what-is-an-executive-order/

²¹ U.S. Const. art. II.

²² Anders, C. (2025, February 24). What Is an Executive Order and How Does it Work? | ACLU. American Civil Liberties Union.

<https://www.aclu.org/news/privacy-technology/what-is-an-executive-order-and-how-does-it-work>

²³ Executive orders. (n.d.). Federal Register.

<https://www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025>

²⁴ Smith-Schoenwalder, C. (2025, May 28). These are the lawsuits against Trump's executive orders. US News & World Report.

<https://www.usnews.com/news/national-news/articles/how-many-of-trumps-executive-orders-are-being-challenged>

A. The Expansion of the CT Framework by EOs: Student Protesters & Palestinian Advocacy

Student Visa Revocations

The Trump Administration has issued EOs targeting university student protesters and their supporters, specifically in reaction to the student protests that swept the country in support of the pro-Palestinian movement and to call for university divestment from Israel.²⁵ While the Administration issued a range²⁶ of EOs generally targeting higher education institutions for their curricula & admissions,²⁷ DEI programs²⁸ and foreign funding sources,²⁹ other EOs explicitly targeted student protesters and the Palestinian advocacy movement at universities.

²⁵ Faguy, B. S. C. & A. (2024, May 3). What do pro-Palestinian student protesters at US universities want?

<https://www.bbc.com/news/world-us-canada-68908885>

²⁶ Smith-Schoenwalder, C. (2025, April 24). EXPLAINER: Trump's executive orders targeting education. US News & World Report.

<https://www.usnews.com/news/education-news/articles/2025-04-24/explainer-trumps-executive-orders-targeting-education>

²⁷ Executive Order Reforming accreditation to strengthen higher education. (2025, April 23).

<https://www.whitehouse.gov/presidential-actions/2025/04/reforming-accreditation-to-strengthen-higher-education/>

²⁸ The White House. (2025, January 22). Ending illegal discrimination and restoring Merit-Based opportunity.

<https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>; see also The White House.

(2025, January 21). Ending radical and wasteful government DEI programs and preferencing.

<https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>

²⁹ Executive Order: Transparency regarding foreign influence at American universities. (2025, April 23).

<https://www.whitehouse.gov/presidential-actions/2025/04/transparency-regarding-foreign-influence-at-american-universities/>

These orders mandated expanded measures to "combat anti-Semitism" on campuses,³⁰ conflating support for Palestine with anti-Semitism and support for Hamas, a designated FTO.³¹ Upon issuing these directives, the President stated that he would "cancel visas of foreign students who are 'Hamas sympathizers' and deport 'pro-jihadist' protesters."³² Indeed, under this Administration, Immigration and Customs Enforcement (ICE) arrested and detained several visa-holding students who were involved in campus protests³³ without access to counsel, sending them to out-of-state detention centers for deportation. Civil society has denounced these unlawful arrests and deportations, noting that these arrests demonstrate "a dangerous expansion of [CT] overreach and an attack on civic space."³⁴

Though many federal judges have halted these deportation orders to review their legality, these EOs and unlawful detentions create a chilling impact on civil society groups supporting Palestine and lawful student protests and free speech activities.

³⁰ Executive Order: Additional measures to combat Anti-Semitism. (2025, January 29). <https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/>

³¹ Smith, T. (2025, January 30). Trump order cracks down on antisemitism and could deport foreign student protesters. NPR. <https://www.npr.org/2025/01/30/g-s1-45468/trump-antisemitism-executive-order-protests-deport-hamas>

³² Smith, T. (2025, January 30). Trump order cracks down on antisemitism and could deport foreign student protesters. NPR. <https://www.npr.org/2025/01/30/g-s1-45468/trump-antisemitism-executive-order-protests-deport-hamas>

³³ Staff, A. J. (2025, April 22). US revokes nearly 1,700 student visas: Who are the targets? Al Jazeera. <https://www.aljazeera.com/news/2025/4/18/us-revokes-nearly-1500-student-visas-who-are-the-targets>

³⁴ Charity-And-Security. (2025, March 26). Mahmoud Khalil's Case Is a Dangerous Expansion of Counter-terrorism Overreach & an Attack on Civic Space - Charity & Security Network. Charity & Security Network. <https://charityandsecurity.org/news/mahmoud-khalils-case-is-a-dangerous-expansion-of-counter-terrorism-overreach-an-attack-on-civic-space/>

The Administration has also expanded surveillance measures intended to monitor and vet the speech of non-citizen residents and those seeking to enter or depart the U.S.³⁵

The expansion of the CT framework through EOs and immigration regulations to target foreign nationals, particularly student activists, represents a broad overreach of executive power in the name of national security, continuing to shrink U.S. civic space and violating the fundamental human rights and freedoms of those engaging in lawful protest.

³⁵ Hussain, M. (2025, May 23). DHS is getting ready to identify everyone who leaves the country, expanding immigration Dragnet. Drop Site News. <https://www.dropsitenews.com/p/border-united-states-canada-student-protestors-security>

B. The Expansion of the CT Framework by EOs: Cartel Designations, Immigration, and the Alien Enemies Act

Designating Drug Cartels as FTOs

The Trump Administration has also used EOs to expand the CT framework within the U.S. immigration context. On President Trump's first day in office, he issued EO 14157, which directed the designation of eight drug cartels as FTOs under section 219 of the INA³⁶ or as SDGTs under IEEPA^{37,38}. While the Office of Foreign Assets Control (OFAC) had previously designated most of these entities as SDNs, the new FTO and SDGT designations expand the use of CT authorities to encompass transnational criminal organizations traditionally addressed through counter-narcotics and organized crime enforcement frameworks.³⁹ This expansion creates increased legal and operational risks for human rights, social services organizations, and other nonprofits that must interact, intentionally or not, with these groups.⁴⁰

³⁶ Immigration and Nationality Act of 1952, 8 U.S.C. §§ 1101.

³⁷ International Emergency Economic Powers Act, 50 U.S.C. § 1702.

³⁸ Executive Order Designating cartels and other organizations as foreign terrorist organizations and specially designated global terrorists. (2025, January 21). <https://www.whitehouse.gov/presidential-actions/2025/01/designating-cartels-and-other-organizations-as-foreign-terrorist-organizations-and-specially-designated-global-terrorists/>

³⁹ Charity-And-Security. (2025, April 22). OFAC Alert on Cartel Designations: Growing Risks to Nonprofits from the Expanded Use of Counter-Terrorism Frameworks via FTO Designations - Charity & Security Network. Charity & Security Network. <https://charityandsecurity.org/news/ofac-alert-on-cartel-designations-growing-risks-to-nonprofits-from-the-expanded-use-of-counter-terrorism-frameworks-via-fto-designations/>

⁴⁰ Charity-And-Security. (2025, April 22). OFAC Alert on Cartel Designations: Growing Risks to Nonprofits from the Expanded Use of Counter-Terrorism Frameworks via FTO Designations - Charity & Security Network. Charity & Security Network. <https://charityandsecurity.org/news/ofac-alert-on-cartel-designations-growing-risks-to-nonprofits-from-the-expanded-use-of-counter-terrorism-frameworks-via-fto-designations/>

The conflation of CT, counter-narcotics, and organized crime enforcement frameworks is concerning, as it risks expanding already overbroad CT measures into areas better suited for existing legal frameworks.

For civil society actors, the terrorist designations and the absence of reliable exemptions create a chilling effect on essential human rights work.

Legal ambiguity and the threat of prosecution may deter lawful humanitarian and peacebuilding activities. This chilling effect also extends to financial institutions processing transactions for CSOs, which often hesitate to continue providing financial services or relationships in areas where FTO-designated entities operate. CSOs operating in conflict-impacted contexts where designated terrorist entities operate have long experienced this issue. The designation of these eight cartels will expand these challenges to organizations operating at the U.S.-Mexico border and to U.S. organizations working in areas where these designated cartels also operate.

Furthermore, EO 14157's language broadly defines cartels not only as criminal enterprises but also as insurgent entities "threatening the stability of the international order," thereby attempting to justify their treatment as foreign terrorist threats.

The accompanying rhetoric—describing cartel activity as "predatory incursions" that warrant invoking the Alien Enemies Act⁴¹—signals an alarming shift toward justifying wartime powers in peacetime contexts.

This framing effectively collapses the distinction between national security threats and public safety challenges, opening the door to expansive surveillance, indefinite detention, and the suppression of civic actors under the guise of CT.

⁴¹ Alien Enemies Act of 1798, 50 U.S.C. §§ 21-24.

The Alien Enemies Act & Illegal Deportations

The Trump Administration's deployment and weaponization of immigration EOs have grave consequences for human rights and civil society operating or based in the U.S., particularly immigrant rights organizations. The Administration has unlawfully detained and deported individuals under the Alien Enemies Act of 1798,⁴² a wartime law that grants the President the authority to "detain or deport the native and citizens of an enemy nation." This overbroad law, originally enacted over 200 years ago for wartime purposes, has been recently used by the Administration to target immigrants based solely on their ancestry.

In Mar. 2025, the President signed an EO⁴³ invoking the Alien Enemies Act, declaring that Tren de Aragua, a known drug cartel, was "conducting irregular warfare" at Venezuela's behest. Under this authority, the Administration unlawfully detained and deported hundreds of Venezuelan immigrants in the U.S., ignoring a court order⁴⁴ and sending them to a notorious high-security prison in El Salvador based on allegations of "terrorism."⁴⁵

⁴² Ibid.

⁴³ Executive Order Designating cartels and other organizations as foreign terrorist organizations and specially designated global terrorists. (2025, January 21). <https://www.whitehouse.gov/presidential-actions/2025/01/designating-cartels-and-other-organizations-as-foreign-terrorist-organizations-and-specially-designated-global-terrorists>

⁴⁴ Drenon, B. (2025, March 17). US removes hundreds of Venezuelans to El Salvador despite court order to turn back deportation flights. <https://www.bbc.com/news/articles/cp9yv1gnzyvo>

⁴⁵ Vega, C. (2025, April 29). U.S. sent 238 migrants to Salvadoran mega-prison; documents indicate most have no apparent criminal records. CBS News. <https://www.cbsnews.com/news/what-records-show-about-migrants-sent-to-salvadoran-prison-60-minutes-transcript/>

Several UN experts expressed alarm at what they called “abusive designations,” stating that “the Alien Enemies Act of 1798 seems to have been misapplied to deny due process, independent review and court access, contrary to international human rights law.”⁴⁶ When questioned about the legality of these actions, the Trump Administration stated, “[t]he president has the right to remove foreign terrorists from our homeland.”⁴⁷

Despite multiple courts ruling against the peacetime use of the Alien Enemies Act, and even ordering the Trump Administration to return some of the prisoners,⁴⁸ the Trump Administration continues to take action by invoking this 18th-century law. Furthermore, the Administration has openly stated its desire to similarly imprison U.S. citizens abroad as well.⁴⁹ The Administration continues to defy the courts, demonstrating inadequate judicial power and review in the U.S. to protect those the Administration has targeted under the law.

⁴⁶ OHCHR. (n.d.). UN experts alarmed at illegal deportations from the United States to El Salvador.

<https://www.ohchr.org/en/press-releases/2025/04/un-experts-alarmed-illegal-deportations-united-states-el-salvador>

⁴⁷ Kanno-Youngs, Z., Aleaziz, H., Feuer, A., Barrett, D., Turkewitz, J., Swan, J., Haberman, M., & Correal, A. (2025, May 1). Behind Trump’s deal to deport Venezuelans to El Salvador’s most feared prison. The New York Times.

<https://www.nytimes.com/2025/04/30/us/politics/trump-deportations-venezuela-el-salvador.html>

⁴⁸ Wiessner, D. (2025, April 25). US judge orders return of second migrant deported to El Salvador. Reuters.

<https://www.reuters.com/world/us/us-judge-orders-return-second-migrant-deported-el-salvador-2025-04-24/>

⁴⁹ Mann, B. (2025, April 16). “Homegrown are next”: Trump hopes to deport and jail U.S. citizens abroad. NPR.

<https://www.npr.org/2025/04/16/nx-s1-5366178/trump-deport-jail-u-s-citizens-homegrown-el-salvador>

C. Other EOs Impacting Civil Society

Sanctions on the ICC

On Feb. 6, 2025, President Trump issued EO 14203⁵⁰, Imposing Sanctions on the International Criminal Court (ICC). Under EO 14203, any foreign person (including ICC staff and third parties) risks asset blocking and U.S. entry restrictions if they “materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of” an ICC investigation into protected persons. “Protected person” covers U.S. nationals or nationals of U.S. allies (e.g., NATO members, major non-NATO allies) that have refused ICC jurisdiction, and includes U.S. government and U.S. government allies’ employees, appointed or elected officials, and Armed Forces members, and their children and spouses. Notably, ICC Prosecutor Karim Khan is named in the Annex and is now subject to travel and economic sanctions by the U.S. This EO marked a significant escalation in how U.S. sanctions can be used to constrain international justice mechanisms—and by extension, the work of civil society organizations that support them.⁵¹

The Administration issued this EO in the wake of the ICC’s Nov. 21, 2024 announcement⁵² that it had issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Minister of Defense Yoav Gallant,

⁵⁰ Executive Order Imposing sanctions on the International Criminal Court. (2025, February 10). <https://www.whitehouse.gov/presidential-actions/2025/02/imposing-sanctions-on-the-international-criminal-court/>

⁵¹ Charity-And-Security. (2025, April 3). Trump Administration’s Sanctions on the ICC Implicate NGOs - Charity & Security Network. Charity & Security Network. <https://charityandsecurity.org/news/trump-administrations-sanctions-on-the-icc-implicates-ngos/>. <https://charityandsecurity.org/news/trump-administrations-sanctions-on-the-icc-implicates-ngos-february-2025/>

⁵² Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel’s challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant. (n.d.). International Criminal Court. <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>

in connection with crimes committed during the ongoing illegal occupation⁵³ and bombardment⁵⁴ of Gaza, where Israeli military operations have resulted in the deaths of at least 62,614 Palestinians since Oct. 7, 2023.⁵⁵

Under IEEPA, the President has the authority to impose sanctions on persons or entities upon the determination that there is an “unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.”⁵⁶ EO 14203, which also cites the authority of the National Emergencies Act (NEA)⁵⁷, the INA⁵⁸, and Section 301 of Title 3, U.S. Code, states that “any effort by the ICC to investigate, arrest, detain, or prosecute” U.S. nationals or U.S. allies constitutes such a threat.

Though aimed principally at ICC officials, EO 14203 implicates civil society because it creates strict liability for organizations that “support or transact” with listed ICC staff, like Prosecutor Khan, or who support an ICC investigation into “U.S. nationals or nationals of U.S. allies.” This strict liability undoubtedly creates a broad chilling effect for CSOs, lawyers, academics, and other civil society actors.

⁵³ Berg, R. (2024, July 19). ICJ says Israeli occupation of Palestinian territories is illegal. <https://www.bbc.com/news/articles/cjerjzxlpvdo>

⁵⁴ Amnesty International. (2025, March 19). Israeli air strikes kill over 400 Palestinians across Gaza following unilateral resumption of mass attacks. <https://www.amnesty.org/en/latest/news/2025/03/israeli-air-strikes-kill-over-400-palestinians-across-gaza-following-unilateral-resumption-of-mass-attacks/>

⁵⁵ AJLabs. (2025, April 17). Israel-Gaza war in maps and charts: Live tracker. Al Jazeera. <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>

⁵⁶ International Emergency Economic Powers Act, 50 U.S.C. §§ 1701-1707

⁵⁷ 50 U.S. Code Chapter 34 - NATIONAL EMERGENCIES. (n.d.). LII / Legal Information Institute.

<https://www.law.cornell.edu/uscode/text/50/chapter-34>

⁵⁸ Immigration and Nationality Act of 1952, 8 U.S.C. §§ 1101, 1182(f).

The EO has already had devastating impacts for human rights organizations, as noted in the American Civil Liberties Union’s (ACLU) lawsuit in *Smith v. Trump*,⁵⁹ where the plaintiffs are human rights defenders who have had to cease working with the ICC in the investigation and documentation of atrocities in Myanmar and Afghanistan. The potential consequences of violating these sanctions regulations are significant: willful violations can carry up to 20 years in prison and/or fines up to \$1 million.⁶⁰

Fear of these hefty penalties can deter U.S.-based CSOs from assisting or even communicating with sanctioned ICC staff, effectively stifling documentation of human rights abuses, fact-finding missions, or legal collaboration.

It can also make filing amicus curiae briefs more perilous, since any direct interaction with ICC proceedings or sanctioned officials might be construed as “support,” discouraging many CSOs from contributing valuable legal analysis. With EO 14203 naming high-profile individuals and explicitly referencing allied officials, the risk of over-compliance and its chilling impact on vital human rights and legal work appears even more acute.

⁵⁹ *Smith v. Trump* | American Civil Liberties Union. (2025, May 30). American Civil Liberties Union.

<https://www.aclu.org/cases/smith-v-trump>

⁶⁰ 31 CFR § 510.701 - Penalties Under IEEPA

<https://www.law.cornell.edu/cfr/text/31/510.701>

EOs Targeting Law Firms

The Trump Administration has issued EOs to target prominent law firms based in the U.S.⁶¹ These law firms are “perceived adversaries” to the Administration, all of them having either completed legal work that President Trump has opposed or having associations with former prosecutions or investigations of the President.⁶² For example, one of the firms targeted, Jenner & Block⁶³, previously employed a prosecutor on the team investigating ties between Trump’s 2016 campaign and Russia. While legal challenges successfully rejected these EOs,⁶⁴ several other law firms pre-emptively agreed to settlements with the Administration, promising to dedicate free legal services in support of President Trump’s agenda.⁶⁵

The potential or actual use of EOs to target law firms or legal professionals for representing certain clients creates a chilling effect on legal advocacy and undermines the integrity of the legal system, making it harder for individuals and organizations to access legal representation.

⁶¹ Pelley, S. (2025, May 5). Trump presidential orders target law firms. Here’s how some lawyers say that threatens the rule of law. CBS News.

<https://www.cbsnews.com/news/trump-orders-target-law-firms-some-lawyers-say-that-threatens-rule-of-law-60-minutes-transcript/>

⁶² Tucker, E. (2025, May 23). Judge blocks another Trump executive order targeting a major law firm | AP News. AP News.

<https://apnews.com/article/trump-law-firm-mueller-c484b1aa8c3342dd0acb728d999aa488>

⁶³ Journal, A. (2025, May 27). Executive order against Jenner & Block is “doubly violative of the Constitution,” judge says in ruling for firm. ABA Journal.

<https://www.abajournal.com/web/article/executive-order-against-jenner-is-doubly-violative-of-the-constitution-judge-says-in-summary-judgment-grant>

⁶⁴ Berman, M. (2025, May 27). Judge tosses Trump order punishing the law firm WilmerHale. The Washington Post.

<https://www.washingtonpost.com/politics/2025/05/27/trump-wilmer-hale-sanctions-struck-down/>

⁶⁵ Tucker, E. (2025, April 12). Trump reaches deals with 5 law firms, allowing them to avoid prospect of punishing executive orders | AP News. AP News.

<https://apnews.com/article/trump-law-firms-executive-order-fe8f38a61cf77c5bb6add1315f5f96f1>

The impact of EOs against law firms has already been felt across the civil society sector, with organizations reporting to C&SN that law firms that used to represent them pro bono cases have since rescinded their services, out of fear for political retribution for taking cases that may be oppositional to the government.⁶⁶

⁶⁶ Goldstein, M., & Silver-Greenberg, J. (2025, May 24). Fearing Trump, some law firms decline pro bono immigration cases. The New York Times.

<https://www.nytimes.com/2025/05/06/business/trump-law-firms-pro-bono-immigration.html>

EOs Targeting International Organizations

The Trump Administration has also used administrative measures via EO under the guise of “countering terrorism” to dismantle international aid and assistance organizations and organizations operating in the assistance sector receiving U.S. funding. Through EO, the Administration abruptly terminated thousands of foreign aid grants and contracts⁶⁷, stating that “[t]he United States foreign aid industry and bureaucracy are not aligned with American interests andserve to destabilize world peace by promoting ideas in foreign countries that are directly inverse to harmonious and stable relations internal to and among countries.”⁶⁸ These cuts had devastating consequences around the globe for CSOs and the populations they serve, threatening the right to life and to health in many contexts.⁶⁹

On Feb. 4, 2025, the Administration issued an EO targeting UN organizations, specifically stating that “some of the UN’s agencies and bodies have drifted from [their] mission and instead act contrary to the interests of the United States while attacking our allies and propagating anti-Semitism.”⁷⁰ The EO goes on to allege, without evidence, that the UN Relief and Works Agency for Palestine Refugees (UNRWA) has been “infiltrated” by FTOs.

⁶⁷ Irc. (2025, March 4). United States terminates thousands of aid programs. United States Terminates Thousands of Aid Programs.

<https://www.rescue.org/article/united-states-terminates-thousands-aid-programs>.

⁶⁸ The White House. (2025, March 14). Reevaluating and realigning United States foreign aid.

<https://www.whitehouse.gov/presidential-actions/2025/01/reevaluating-and-realigning-united-states-foreign-aid/>.

⁶⁹ Amnesty International. (2025, May 30). Amnesty International warns of devastating consequences as abrupt U.S. Foreign Aid cuts threaten human rights globally.

<https://www.amnesty.org/en/latest/news/2025/05/devastating-consequences-abrupt-u-s-foreign-aid-cuts/>

⁷⁰ Executive Order Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations. (2025, February 6).

<https://www.whitehouse.gov/presidential-actions/2025/02/withdrawing-the-united-states-from-and-ending-funding-to-certain-united-nations-organizations-and-reviewing-united-states-support-to-all-international-organizations/>

The EO states that the U.S. will “reevaluate” its commitment to the UN Human Rights Council (UNHRC), UNRWA, and the UN Education, Scientific, and Cultural Organization (UNESCO).

The targeting and anticipated withdrawal of the U.S. from these international human rights organizations hosted by the UN is concerning for civil society organizations globally. This deliberate defunding through administrative measures severely limits the operational capacity of organizations, such as UNRWA, that are dedicated to providing critical aid and assistance to innocent civilians in vulnerable regions like Palestine. Such actions contribute to humanitarian crises by withholding essential resources and represent a deliberate effort to delegitimize and dismantle the international architecture designed to protect human rights and deliver aid.

By issuing an official EO that contains unsubstantiated and disproven allegations of terrorism, the Administration effectively skirts international norms and obligations and creates grave obstacles for human rights work.

This approach shrinks the civic space for international organizations and their domestic partners.

IV. Sanctions Compliance Burdens for Civil Society

TREASURY DEPARTMENT

IEEPA grants the President broad authority to regulate economic transactions, including seizing assets or property within US jurisdiction, in response to national emergencies.⁷¹ The U.S. sanctions regime not only touches those bad actors who are directly sanctioned but also criminalizes even incidental transactions with such sanctioned entities. The broad nature of these sanctions makes it onerous for humanitarian organizations to provide much-needed resources to regions controlled by a sanctioned entity. IEEPA is the foundational authority for much of the U.S. sanctions regime, and is administered and regulated by OFAC. Violations of regulations or sanctions issued under IEEPA can have significant civil and criminal consequences. Penalties can include fines of up to \$1,000,000 and imprisonment of up to 20 years. Violations can also lead to losing licenses or permits necessary to conduct business, particularly for financial institutions.

OFAC administers and enforces U.S. economic and trade sanctions programs against targeted foreign governments, individuals, groups, and entities in accordance with national security and foreign policy goals and objectives. OFAC strongly encourages U.S. CSOs, U.S. persons, etc., to use a risk-based approach to sanctions compliance by developing, implementing, and routinely updating a sanctions compliance program (SCP). Where a sanctions violation is suspected in an OFAC enforcement case, the key deciding factor in whether a penalty is applied or if a case is “egregious” is an evaluation of the organization or individual’s SCP. These are evaluated according to the Economic Sanctions Enforcement Guidelines. OFAC acknowledges that while each risk-based SCP will vary depending on a variety of factors—including the organizations’s size and sophistication, products and services, customers and counterparties, and geographic locations— it requires that each program should be predicated on and incorporate at least five essential components of compliance: (1) management commitment; (2) risk assessment; (3) internal controls; (4) testing and auditing; and (5) training.

The U.S. sanctions policy infrastructure has vastly expanded, as have the legal mechanisms that underpin it. In 2025, the sanctions are so numerous, based in many different legal authorities, and overseen by so many parts of the U.S. government that they are difficult to understand and untangle by most.

⁷¹ International Emergency Economic Powers Act, 50 U.S.C. §§ 1702.

The “strongly recommended” compliance programs for the sanctions regime, and associated overlapping federal criminal laws (anti-money laundering, material support laws, wire fraud, etc.), are incredibly burdensome for smaller civil society organizations in particular. These small organizations are often created and run by individuals who intend to do good work but are unfamiliar with U.S. sanctions laws. They are often small, volunteer-run, and low-budget not-for-profit organizations. To comply with the regulations and adhere to best practices ⁷² is burdensome for these organizations, specifically 1) because of IEEPA’s strict liability framework, and 2) because there is no de minimis exception for smaller nonprofits. The consequences are so severe, and the punishments so grievous, that this chills the operations of these small nonprofit organizations, jeopardizing their work and limiting the aid provided to those most in need. The case examples below demonstrate the human rights impact of the sanctions framework:

Case Examples ⁷³ from C&SN Roundtable Discussion Organization:

1. An organization requested assistance in reviewing the humanitarian programs they were conducting in Gaza, which provided food aid and other basic necessities to those caught in the violence. This organization was collecting money from their local community and sending the collected funds from their bank account in the U.S. to those in need in Gaza. They expressed a desire to form a 501(c)(3) tax-exempt entity. They were provided with an understanding of the benefits and responsibilities of 501(c)(3) organizations, the IRS compliance requirements, and their responsibilities relating to the U.S. sanctions regimes and how to comply with them.

⁷² For example, best practices recommendations regarding anti-terrorist financing. U.S. Dept. of the Treasury Anti-Terrorist Financing Guidelines: Voluntary Best Practices.

⁷³ See also Bradatan, Anastasia. “A Hungry Child Should Know No Politics: How The U.S. Material Support Statute Has Excessively Criminalized Humanitarian Relief And Has Unintentionally Barred Innocent Asylum-Seekers From The United States”, Georgetown Immigration Law Journal. Pgs. 476-482 at https://www.law.georgetown.edu/immigration-law-journal/wp-content/uploads/sites/19/2024/03/GT_GILJ230014.pdf (Case studies on (1) 2004 Sri Lanka Tsunami, (2) Gaza Strip post-2006 Hamas election, (3) 2008 and 2017 Somali Famine).

After understanding the difficult burden this would place on their organization, they ultimately decided not to pursue a 501(c)(3) tax-exempt status, citing the time it would take to create an OFAC compliance policy and its ongoing implementation as the reason. They were caught between providing aid using an onerous process, which, despite their best efforts, could not be risk-free, and not providing aid to a region in dire need. They chose to provide the aid, however, only to work with their family and friends on the ground, severely limiting their reach.

2. A student organization seeking to provide food aid and necessities to the civilians in Gaza sought guidance. The students created art and sold it to raise money to support their charitable programming. They were educated on the necessity of having an internal policy that vetted all partners in Gaza through OFAC and provided them with an understanding of best practices as laid out by the U.S. Department of the Treasury.

After coming to know the burdensome, time-consuming, and continual vetting required of them, they chose to put a hold on all operations so as to avoid any criminal or civil liability that could unintentionally arise.

3. An organization participating in this submission has several newly formed nonprofit clients that have a negligible budget for non-program related operations like legal compliance costs, and accounting. Their work is also complicated by the ever-changing facts on the ground in a war zone. A vetted partner today often changes due to circumstances tomorrow. It is nearly impossible for these small organizations providing humanitarian aid in conflict zones to implement best practices as they relate to sanctions and other compliance. This leaves these clients open to unjust and severe civil or criminal penalties in the event of incidental and unknowing violations, which, in turn, has a severe chilling effect on their activities.

V. The U.S. Department of Justice & Post- Sentencing Guidelines



A. DOJ October 7 Task Force

On Mar. 17, 2025, the U.S. Administration announced the establishment of the DOJ October 7 Task Force. According to the DOJ, the task force is part of “an initiative that will seek justice for the victims of the Oct. 7, 2023, terrorist attack in Israel and address the ongoing threat posed by Hamas and its affiliates.”⁷⁴ In announcing the creation of the task force, the DOJ stated that it will “investigate acts of terrorism and civil rights violations by individuals and entities providing support and financing to Hamas, related Iran proxies, and their affiliates, as well as acts of antisemitism by these groups.”⁷⁵ The task force will be made up of prosecutors and FBI officials.⁷⁶ This specialized task force will lead to increased scrutiny and potential for overreach against individuals and organizations supporting and operating in Palestine, raising concerns about freedom of speech and association as well as humanitarian assistance.

The broad mandate of this task force, combined with the Administration’s targeting of activists through the CT framework, raises alarm bells for many organizations working to support Palestine or working in aid and assistance in Palestine.

⁷⁴ Justice Department announces launch of joint task force October 7. (2025, March 24). <https://www.justice.gov/opa/pr/justice-department-announces-launch-joint-task-force-october-7>

⁷⁵ Justice Department announces launch of joint task force October 7. (2025, March 24). <https://www.justice.gov/opa/pr/justice-department-announces-launch-joint-task-force-october-7>

⁷⁶ Tucker, E. (2025, March 18). The Justice Department and FBI announce a new task force to target Hamas over Oct. 7 attack | AP News. AP News. <https://apnews.com/article/hamas-israel-justice-department-task-force-investigation-89217c0011b0cf398527ae4e9c70bfb7>

The criminal and civil focus of the task force, along with the mention of financial enforcement, creates a wide range of potential consequences for CSOs and their financial institutions, who, in light of this new task force, may calculate greater liability or risk in their human rights operations.

Furthermore, organizations expressed concern that this task force could abuse its mandate to use multiple legal avenues to attain documents they desire from CSOs for further targeting (i.e., obtaining documents through discovery in a civil case to later use for the purposes of charging organizations or individuals with criminal violations).

B. Federal Sentencing Guidelines

Partner organizations working in criminal defense of terrorism-related offenses also note that DOJ's federal sentencing guidelines⁷⁷ have introduced significant human rights abuses, often imposing disproportionate restrictions that extend far beyond initial sentences, sometimes resulting in 20-year or even lifetime supervised release terms. These guidelines severely limit fundamental freedoms by restricting individuals' religious practices, such as mosque attendance, and imposing broad internet access bans that hinder employment potential and communication. Furthermore, they include coercive re-education classes or counseling, and continue to expand the scope of "material support" to encompass nonviolent or speech-related conduct. These expanded post-sentencing guidelines conflate non-violent activities with crimes of violence, highlighting an urgent need for reform that aligns restrictions with actual violent conduct.

⁷⁷ Guidelines. (2022, October 5). United States Sentencing Commission. <https://www.ussc.gov/guidelines>

A low-angle, monochromatic blue-tinted photograph of the Statue of Liberty. The statue is the central focus, with its right arm raised holding the torch and its left arm holding the tablet. The background is a clear, light blue sky. The text is overlaid on the upper left portion of the image.

VI. Tier III Designations: Immigration & CT

In the current U.S. legal system, U.S. immigration courts can play a role in determining whether groups qualify as “Tier III” terrorist organizations under the INA in a manner that broadens the scope of what constitutes “terrorism” and further expands the U.S. CT framework through its immigration proceedings. The INA outlines grounds to exclude noncitizens from receiving visas and admission into the U.S.⁷⁸ In 1990, Congress amended the INA to, among other things, exclude and deport noncitizens for participation in terrorist activities.⁷⁹ The amendment defined “engage in terrorist activity” and, for the first time, identified several acts as part of a non-exhaustive list of terrorist activities.⁸⁰ In the following years, Congress expanded the anti-terrorism provisions in the INA to fund CT measures and bar noncitizens on terrorism-related grounds from receiving asylum or withholding of removal.⁸¹

After 9/11, Congress enacted the PATRIOT Act, further amending the INA to include additional terrorism-related inadmissibility grounds.⁸² The PATRIOT Act expanded the existing list of terrorist activities under the INA, and also amended the definition of “terrorist organization” to include a category for undesignated groups of two or more individuals who “engage in terrorist activity,” referred to as “Tier III” terrorist organizations.⁸³

A Tier III organization is defined as “groups of two or more individuals engaging in terrorist activities without formal designation.”⁸⁴

⁷⁸ Immigration and Nationality Act, 8 U.S.C. § 1182(a)(3)(B).

⁷⁹ Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978.

⁸⁰ Immigration and Nationality Act, 8 U.S.C. § 1182(a)(3)(B).

⁸¹ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009; see also Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214; see also *Petition for a Writ of Certiorari, Nat'l Ass'n of Mfrs. v. Dep't of Homeland Sec.*, No. 21-199 (U.S. filed Aug. 11, 2021) https://www.supremecourt.gov/DocketPDF/21/21-199/186998/20210811164923002_21-199.pdf

⁸² See *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*, Pub. L. No. 107-56, 115 Stat. 272 (PATRIOT Act).

⁸³ 8 U.S.C. § 1182(a)(3)(B)(vi)(III).

⁸⁴ Bell, Densie (2016, July) *Tier III Terrorist Organizations: The Role of the Immigration Court in Making a Terrorist Determination*, U.S. Department of Justice, Executive Office for Immigration Review, Vol. 10 No 5.

Tier III organizations are classified under section 212(a)(3)(B)(vi)(III) of the INA. Tier III organizations are also called “undesigned terrorist organizations” because they qualify as terrorist organizations based on their activities alone without undergoing a formal designation process like FTOs, and they do not appear in the Federal Register.⁸⁵ Notably, unlike FTO designations, Tier III organizations do not need to pose a threat to U.S. national security.⁸⁶ Immigration judges assess these organizations on a case-by-case basis,⁸⁷ making these determinations during immigration reviews such as asylum applications and visa petitions, and they can have significant implications for immigration proceedings.⁸⁸ Immigration judges have broad discretion in evaluating evidence for these determinations, including reports from U.S. government agencies and organizations. The definitions capture actions that go beyond what is typically associated with what constitutes “terrorism,” thereby broadening the scope of what constitutes a terrorist organization.⁸⁹

The role of immigration courts in determining Tier III organizations expands the U.S. CT framework in a way that harms human rights, particularly rights to asylum and protection from refoulement. It has resulted in “unjust and discriminatory targeting of applicants for immigration benefits.”⁹⁰

⁸⁵ Bell, Densie (2016, July) Tier III Terrorist Organizations: The Role of the Immigration Court in Making a Terrorist Determination, U.S. Department of Justice, Executive Office for Immigration Review, Vol. 10 No 5.

⁸⁶ Hussain v. Mukasey, 518 F.3d 534, 538 (Cir. 2008).

⁸⁷ Terrorism-Related Inadmissibility Grounds (TRIG) | USCIS. (2019, November 19). USCIS. <https://www.uscis.gov/laws-and-policy/other-resources/terrorism-related-inadmissibility-grounds-trig>

⁸⁸ Immigration and Nationality Act, sections 208(b), 212(a)(3)(B), 237(a)(4)(B) of the Act, 8 U.S.C. §§ 1158(b), 1182(a)(3)(B), 1227(a)(4)(B).

⁸⁹ Hussain v. Mukasey, 518 F.3d 534, 539 (Cir. 2008).

⁹⁰ International Refugee Assistance Project. (2025, May 20). Immigration Decision Tracker – reports of decisions related to potential undesigned (Tier III) terrorist organizations.

<https://refugeerights.org/news-resources/undesigned-tier-iii-terrorist-organization-tracker>

Furthermore, there is no requirement to publish these determinations in the Federal Register, so there is a lack of transparency and accountability for these decisions. The broad discretion that immigration courts have to make Tier III determinations on a case-by-case basis results in inconsistent decisions and leaves room for discrimination. These measures impact immigrants seeking legal refuge or asylum, and create a challenging environment for human rights groups and lawyers assisting with these applications.

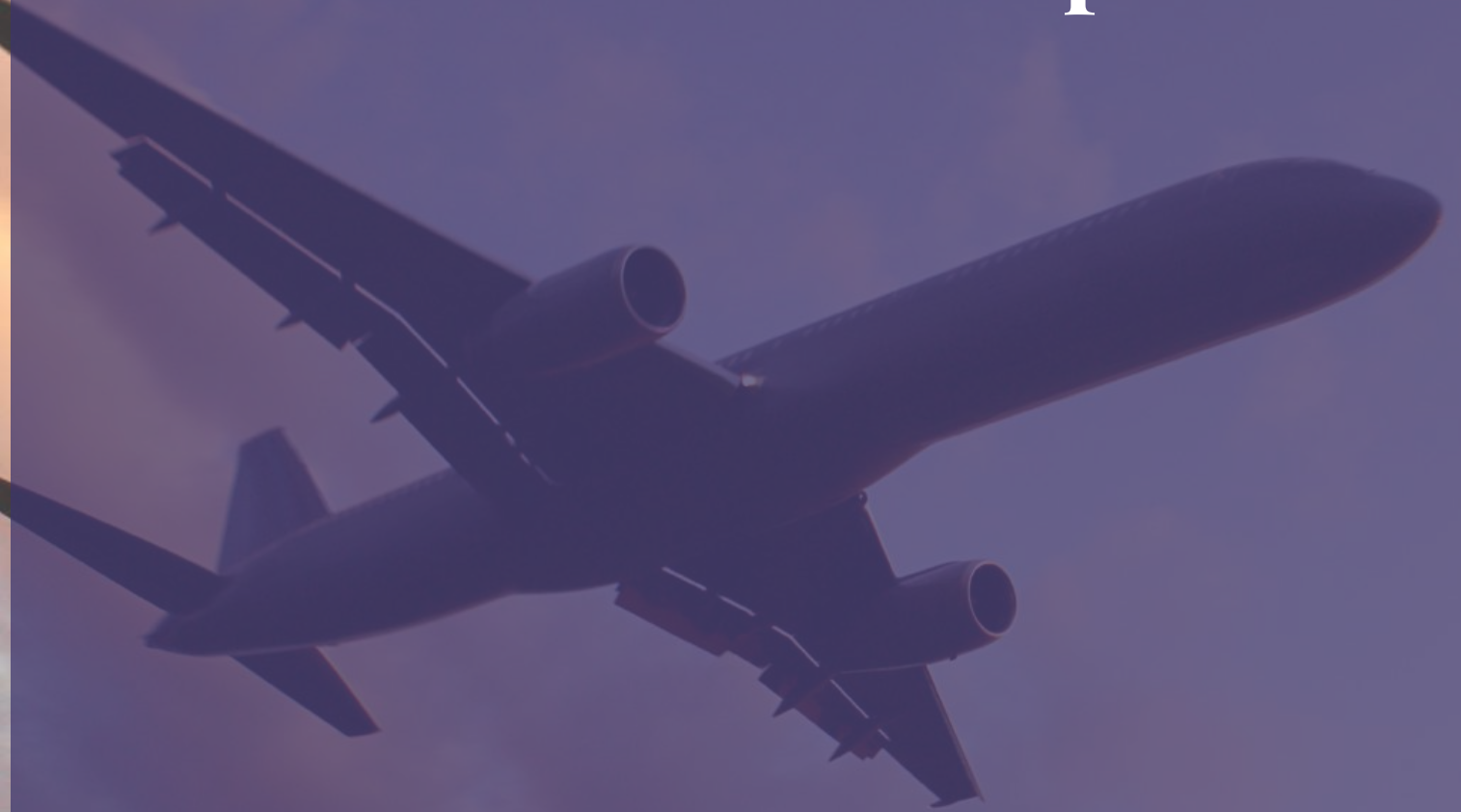
VII. Dismantling of Federal Agencies Containing Oversight Mechanisms

Through administrative measures, President Trump has restructured and weakened federal agencies responsible for civil liberties oversight, or balancing security with rights, has led to reduced accountability and a greater potential for unchecked power in the implementation of administrative CT measures. Partner organizations report that the dismantling of federal agencies that have historically provided checks and balances has meant the elimination of avenues of remedy and accountability mechanisms. These include the Department of Education and the Office of Civil Rights and Investigations.⁹¹ Organizational partnerships with these offices and agencies no longer exist. These alternative methods to a public lawsuit through the accountability mechanisms in these agencies have been taken away, which limits privacy for individuals who do not want their names to be made public in legal proceedings and forces individuals into years-long lawsuits.

⁹¹ Bender, M. C., & Nostrant, R. (2025, March 13). Trump firings gut Education Department's civil rights division. The New York Times.

<https://www.nytimes.com/2025/03/13/us/politics/trump-education-department-civil-rights.html>

VIII. Device Searches and Increased Travel Restrictions at Airports



Administrative CT measures targeted at border security have impacted travel across the U.S. Heightened border scrutiny and device searches pose a threat to privacy rights for individuals, as well as the rights of lawyers protecting their communications with their clients. Organizations report the increased practice of device searches at U.S. airports, such as phones and laptops, particularly targeting individuals associated with human rights or legal advocacy. This heightened scrutiny disrupts travel by human rights defenders, journalists, and legal professionals, leading to delays, data seizure, and potential misuse of sensitive information, thereby impeding their ability to conduct their work.

These searches at the border and in airports demonstrate how administrative measures relating to national security can erode fundamental protections and rights, such as privacy and free movement. These measures also effectively shrink the operational space for CSOs who rely on travel to conduct their work and collaborate across borders. The broad application of these measures, often lacking clear oversight, permits authorities to bypass traditional legal safeguards in the name of “security.”

In recent months, attorneys in the U.S. have been stopped at airports for device searches. Searches of information found on attorney devices pose a threat to attorney-client privilege.⁹²

⁹² Starr, S. (2025, April 30). A ‘constitutional loophole’: How phone inspections test US civil rights. Al Jazeera.
<https://www.aljazeera.com/news/2025/4/30/a-constitutional-loophole-how-phone-inspections-test-us-civil-rights>

One attorney searched at the airport represented pro-Palestinian student protesters, and believes the government targeted him by way of manipulated airport security searches to find incriminating evidence about their clients.⁹³

These airport searches create an intimidating and chilling environment for individuals and organizations working in environments that the Administration is targeting. Such practices weaponize border security measures to access privileged information, actively undermine due process, foster an atmosphere of fear, and deter legitimate legal and advocacy work on sensitive issues.

⁹³ Bhuiyan, J. (2025, April 12). Pro-Palestinian protester's lawyer stopped and searched at US border: 'They were going to take my device.' The Guardian.

<https://www.theguardian.com/us-news/2025/apr/12/amir-makled-phone-search-border-immigration>



IX. Increased Calls by Congress to Use Administrative Measures to Target Nonprofits

A. Weaponization of Tax-Exempt Status and the “Nonprofit Killer Bill”

In the U.S., a 501(c)(3) tax-exempt status, granted by the Internal Revenue Service (IRS), designates an organization as a public charity or private foundation, allowing it to be exempt from federal income tax and enabling donors to deduct contributions made to it from their own taxable income, provided the organization operates exclusively for charitable, religious, educational, scientific, or other public service purposes.⁹⁴ Recent legislative proposals and calls from Congress to use administrative mechanisms, such as the IRS, to investigate or revoke the tax-exempt status of CSOs based on their advocacy or perceived political alignment, threaten civil society's independence and operational space. This chills legitimate advocacy, particularly for organizations working on sensitive issues, and undermines the constitutional rights to freedom of association and speech.

In the last Congress, legislators introduced two pieces of legislation to amend Section 501(p) of the IRS code and authorize the Treasury Department to revoke the tax-exempt status of organizations the Secretary of the Treasury unilaterally identified as “terrorist-supporting.”⁹⁵ The government would not be obligated to reveal all evidence supporting the designation under the guise of “national security,” leaving organizations in the dark and unable to defend themselves against these discretionary allegations. This legislation, which has come to be known as the “Nonprofit Killer Bill,”⁹⁶ could be weaponized to target civil society.

⁹⁴ Exemption requirements - 501(c)(3) organizations | Internal Revenue Service. (n.d.). <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-501c3-organizations>

⁹⁵ Charity-And-Security. (2024, November 25).

Updated: New House Bill Repeats Language with Dangerous Implications for Charities. Charity & Security Network.

<https://charityandsecurity.org/news/new-house-bill-repeats-language-with-dangerous-implications-for-charities/>

⁹⁶ Herman, A. (2024, November 20). Republicans renew push to expand federal powers to punish non-profits. The Guardian.

<https://www.theguardian.com/us-news/2024/nov/20/non-profit-terrorism-bill-republicans>

The lack of safeguards and transparency could lead to arbitrary actions against organizations critical of the government, especially under the current Administration which is politically hostile towards several human rights groups. While the bills did not pass through Congress successfully in the last term, the harmful language impacting charities has already been reintroduced in a recent tax bill, though it was later removed before passing the House.⁹⁷ The tax bill is still in progress in the Senate. The recurrence of this language endangers civil society, as it opens up opportunities for further abuse of administrative measures to shrink civic space.

⁹⁷ Charity-And-Security. (2025, May 28). “Nonprofit Killer” Provision Removed from “One Big Beautiful Bill”, Concerns for Charities Remain. Charity & Security Network. <https://charityandsecurity.org/news/nonprofit-killer-provision-removed-from-one-big-beautiful-bill-concerns-for-charities-remain/>

B. Weaponization of the Foreign Agents Registration Act

U.S. Congressional representatives have increasingly exploited the Foreign Agents Registration Act (FARA)⁹⁸ to target nonprofits, particularly those engaged in international advocacy or receiving foreign funding, by initiating calls for investigations based on perceived foreign influence.⁹⁹ Passed in 1938 to counter German propaganda in the years leading up to WWII, FARA's stated purpose is to create transparency on the communications of foreign governments, political parties, corporations and individuals so that the public can evaluate and make informed judgements. However, FARA has been criticized for being overly broad and vague¹⁰⁰, and has been weaponized to target civil society.¹⁰¹ Furthermore, it has been cited as a model to justify restrictive legislation in several countries that target CSOs and infringe on their rights of association, assembly and expression.¹⁰²

⁹⁸ United States. (n.d.). 22 U.S.C. § 611 et seq—Foreign Relations and Intercourse (pp. 256–257).

<https://www.govinfo.gov/content/pkg/USCODE-2009-title22/pdf/USCODE-2009-title22-chap11-subchap11.pdf>; see also Department of Justice. (2016). Department of Justice Pt. 5. In 28 Title 28 C.F.R. Part 5 (7–1–16 Edition).

<https://www.govinfo.gov/content/pkg/CFR-2016-title28-vol1/pdf/CFR-2016-title28-vol1-part5.pdf>.

⁹⁹ Charity-And-Security. (2020, September 11). Foreign Agents Registration Act and Protecting Nonprofit Organizations - Charity & Security Network. Charity & Security Network.

https://charityandsecurity.org/analysis/fara_npos/.

¹⁰⁰ Foreign Agents Registration Act. (2018, July 12). ICNL.

<https://www.icnl.org/our-work/us-program/foreign-agents-registration-act>.

¹⁰¹ Robinson, N., The International Center for Not-for-Profit Law, & European Center for Not-for-Profit Law. (2025). Foreign Influence Registration Laws and Civil Society: an analysis and responses.

https://www.icnl.org/wp-content/uploads/2024-FCDO-foreign-agents-paper_Jan_2025_update.pdf (Original work published 2024).

¹⁰² Robinson, N., †, International Center for Not-for-Profit Law (“ICNL”), & Harvard Law School Center on the Legal Profession. (2020). “Foreign Agents” in an Interconnected World: FARA and the Weaponization of Transparency. *Duke Law Journal*, 69, 1075–1077.

<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4013&context=dj>

The weaponization of FARA, originally intended to provide transparency for foreign government lobbying, disproportionately burdens legitimate civil society organizations with onerous registration requirements and the risk of being stigmatized as foreign agents. For example, in recent months, Republican members of Congress have written letters to the DOJ requesting review of enforcement of FARA against certain grassroots peacebuilding and rights organizations¹⁰³ and pro-Palestinian student organizations.¹⁰⁴ Such actions create a chilling effect, deterring vital international collaboration and advocacy, and ultimately shrinking the civic space for nonprofits that are merely exercising their right to engage in global discourse and humanitarian efforts.

¹⁰³ Grassley, C. (2025). Letter to the Honorable Pamela Bondi, Attorney General, and the Honorable Kash Patel, Director, Federal Bureau of Investigation, regarding the Foreign Agents Registration Act (FARA).

https://www.grassley.senate.gov/imo/media/doc/grassley_to_doj_fbi_-_code_pink_and_the_peoples_forum.pdf;

see also 03.27.25 Letter to AG Bondi.pdf. (n.d.). Dropbox.

<https://www.dropbox.com/scl/fi/fhar829igrohgwvfoe/03.27.25-Letter-to-AG-Bondi.pdf?rlkey=vtax8ige8ro7qyqratc7cpi90&e=3&st=5qihlk67&dl=0>.

¹⁰⁴ Grassley, colleagues push DOJ to investigate requirements for Hamas-Linked campus ORGs to register as foreign agents | U.S. Senator Chuck Grassley of Iowa. (2024, October 9). Chuck Grassley.

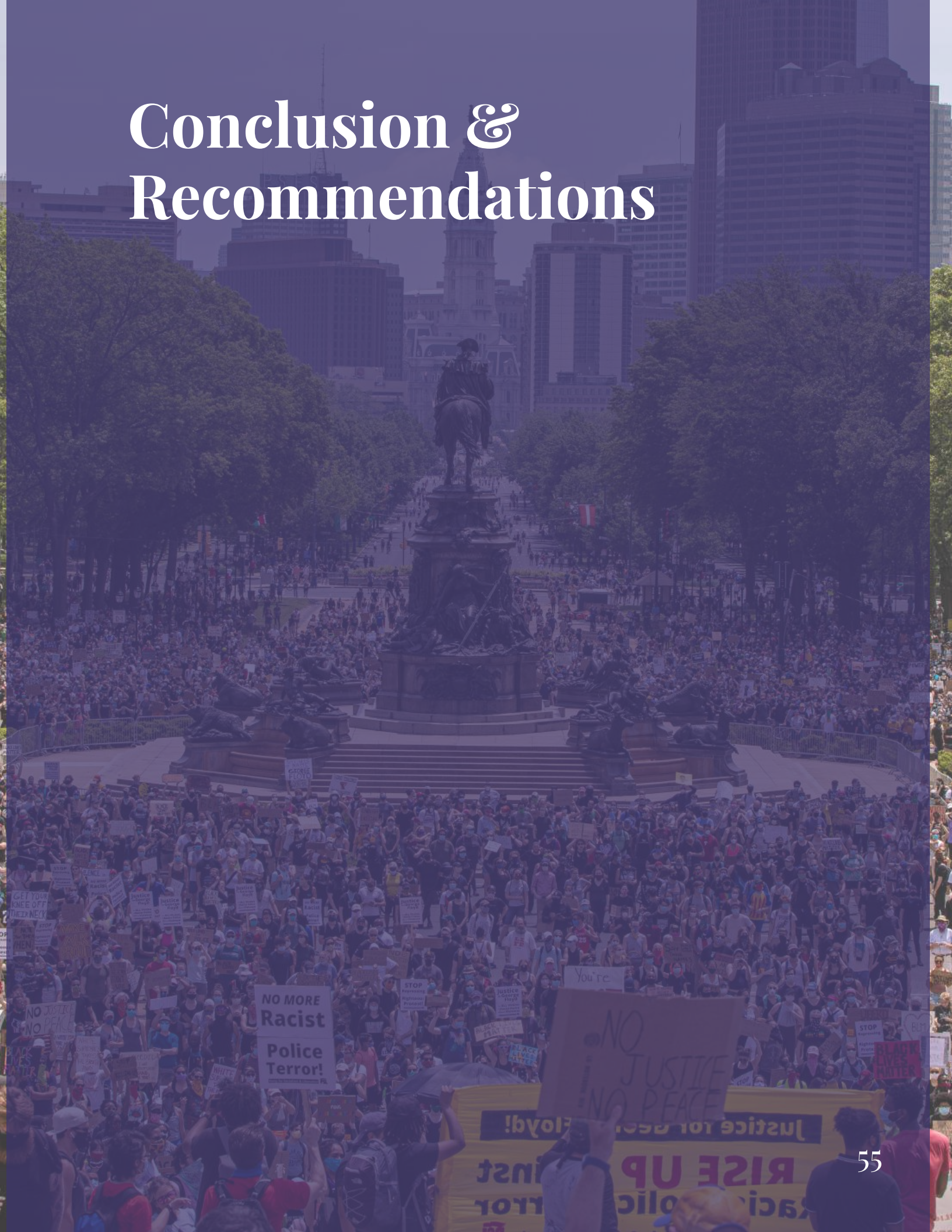
<https://www.grassley.senate.gov/news/news-releases/grassley-colleagues-push-doj-to-investigate-requirements-for-hamas-linked-campus-orgs-to-register-as-foreign-agents>.

X. Overall Chilling Effect and Opportunity Cost to Nonprofits

The cumulative effect of these administrative measures leads to widespread self-censorship and heightened risk aversion among CSOs, causing them to avoid working in "high-risk" areas, with vulnerable populations, or on sensitive issues. Furthermore, financial de-risking by banks, driven by fear of sanctions violations, makes it increasingly difficult for CSOs to facilitate essential transactions in the areas where they operate, thereby reducing their ability to deliver critical assistance.

Lastly and importantly, various administrative measures employed to target the sector and shrink civic space have diverted significant resources such as time, money, and personnel from programmatic work and life-saving efforts. CSOs that operate globally report that they have struggled to maintain their global operations because of the need to monitor the quickly escalating and fraught CT environment in the U.S. The dangerous operating environment for CSOs in the U.S. continues to grow with administrative measures which are implemented swiftly and have vast and vague consequences for the sector.

Conclusion & Recommendations



This submission demonstrates the increasing reliance on administrative CT measures in the U.S., primarily executive orders and expanded designations, to bypass established due process, transparency, and judicial oversight. The current landscape in the U.S. demonstrates a concerning trend towards the overbroad application of the CT framework and the weaponization of legal and administrative tools against civil society and activists.

The escalating use of national security mechanisms to target student protestors, immigrants, human rights advocates, and legal professionals reflects the use of broad CT frameworks to erode democratic freedoms and a troubling shift towards authoritarian tendencies. The expansion of the CT framework through executive orders, sanctions, immigration restrictions, and even the weakening of federal oversight, undermines constitutional and international human rights protections.

These measures do not merely create “unintentional” operational hurdles for civil society. Rather, they intentionally generate a chilling effect that stifles advocacy and civil society efforts and fosters an environment where perceived national security concerns systematically override individual liberties and rights.

C&SN urges the Special Rapporteur to recommend that the United States ensure that all administrative CT measures are, as required by international law:

- Proportional: Commensurate with the actual threat and least restrictive of human rights.
- Transparent: Clearly defined with accessible information on their scope and application.
- Subject to Robust Oversight: Including independent judicial review and effective accountability mechanisms.
- Consistent with Due Process: Ensuring fair procedures, notice, and opportunities for challenge.
- Protective of Civic Space: Recognizing the essential role of civil society in upholding human rights and promoting stable societies.

The background of the page is a photograph of police officers in tactical gear, including helmets and vests, walking in a line. The image is overlaid with a semi-transparent blue filter. The text is centered over this background.

Addendum

III. The Expansion of the CT Framework by Executive Action

B. The Expansion of the CT Framework by EOs: Cartel Designations, Immigration, and the Alien Enemies Act

Designating Drug Cartels as FTOs

The Trump administration has continued to expand its use of FTO and sanctions designations within the organized crime framework. The administration has designated individuals under “counter-terrorism and counter-narcotics” frameworks on a monthly basis (or more) since March 2025,¹ further conflating the legal frameworks for counter-terrorism and organized crime.

This attempted expansion of Executive war powers became apparent on September 15, 2025, when President Trump announced that the U.S. had struck a Venezuelan boat allegedly carrying a shipment of drugs. He made the claim that the previously designated cartel, Tren de Aragua, was aboard and posed a threat to U.S. national security, warranting the attack. Senator Lindsey Graham noted that the government is “considering narco-terrorist states to be military threats, not law enforcement threats.”² The Justice Department likewise claimed to Congress that its strikes on purported cartels are justified under an “enemy combatants” legal framework first deployed in post-9/11 counter-terrorism policy, and thus do not fall within war powers or require Congressional approval.³

¹ *Counter Narcotics Trafficking Sanctions* | Office of Foreign Assets Control. (2025, October 6). Office of Foreign Assets Control | U.S. Department of the Treasury. <https://ofac.treasury.gov/sanctions-programs-and-country-information/counter-narcotics-trafficking-sanctions>

² Grisales, C. (2025, September 14). Congress worries U.S. strike on Venezuelan boat signals Trump's expanded war powers. *NPR*. <https://www.npr.org/2025/09/14/nx-s1-5535624/congress-worries-u-s-strike-on-venezuelan-boat-signals-trumps-expanded-war-powers>

³ Lyngaas, S. (2025, November 2). Justice Department tells Congress Trump doesn't need its approval for military strikes on alleged drug boats. *CNN*. <https://edition.cnn.com/2025/11/02/politics/justice-department-raises-tells-congress-trump-doesnt-need-its-approval-for-military-strikes-on-alleged-drug-boats>

The increased employment of FTO designations and the blurring of legal frameworks poses challenges for civil society organizations operating in the immigration and human rights space, and raise concerns of similar executive force being aimed directly at domestic groups based on this blurred framework.⁴ The administration has since carried out twenty additional strikes, all unauthorized by Congress, killing at least 83 people.⁵

Even if the claims by the Trump administration about the vessels' involvement in narcotrafficking are true, the use of force and targeted killing of civilians in international waters violates international law, and UN experts have stated these actions amount to “extrajudicial executions.”⁶ Despite pushback from legal experts and members of Congress, including prominent conservatives, the administration has refused to back down.⁷ It has authorized CIA operations in Venezuela and continues to make statements suggesting unwarranted military operations in Latin America and the Caribbean due to the threat of “narcoterrorism.”

⁴ Waheed, S. (2025, October 18). Trump's National Security Agenda Puts 'We the People' in Its Crosshairs. *Common Dreams*.

<https://www.commondreams.org/opinion/trump-threatens-we-the-people>

⁵ Angell, K. (2025, December 4). 2025 U.S. Strikes on Venezuelan Vessels: When Washington's War on Drugs Reaches Venezuela's Shores. *Britannica*. <https://www.britannica.com/event/2025-US-Strikes-on-Venezuelan-Vessels>.

⁶ Ward, J. (2025, October 21). UN experts say US strikes against Venezuela in international waters amount to “extrajudicial executions.” *Reuters*. <https://www.reuters.com/world/americas/un-experts-say-us-strikes-against-venezuela-international-waters-amount-2025-10-21/>

⁷ Limbong, A. (2025, October 19). The bipartisan effort to block Trump from attacking Venezuela. *NPR*. <https://www.npr.org/2025/10/19/nx-s1-5578235/the-bipartisan-effort-to-block-trump-from-attacking-venezuela>; Rohde, D. (2025, October 23). Trump's war on boats lowers bar for use of U.S. lethal force abroad. *MSNBC*. <https://www.msnbc.com/msnbc/news/trump-drug-boats-caribbean-lethal-force-rcna239214>

C. Other EOs Impacting Civil Society

Sanctions on the ICC

On Jul. 9, 2025, the U.S. Department of State expanded the ICC sanctions regime to impose sanctions on Francesca Paola Albanese,⁸ the United Nations Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 (oPt). One month prior, on Jun. 5, 2025, the State Dept. designated four ICC judges, Solomy Balungi Bossa, Luz Del Carmen Ibanez Carranza, Reine Adelaide Sophie Alapini Gansou, Beti Hohler, in addition to Prosecutor Khan, blocking all transactions by U.S. persons with these individuals.⁹

Ahead of the UN General Assembly high-level meeting set to take place at the UN Headquarters in New York, the U.S. Department of State revoked visas from the Palestinian Authority (PA) and Palestine Liberation Organization (PLO), restricting their ability to engage in this convening space.¹⁰

On Sept. 4, 2025, the U.S. Departments of State and Treasury used Executive Order (EO) 14203 to sanction Al-Haq: Law in the Service of Man (Al-Haq), Al-Mezan Center for Human Rights (Al-Mezan), and the Palestinian Centre for Human Rights (PCHR).¹¹ These three leading Palestinian human rights organizations have advocated for the investigation and prosecution of Israeli

⁸ *Sanctioning Lawfare that Targets U.S. and Israeli Persons - United States Department of State*. (2025, July 9). United States Department of State. <https://www.state.gov/releases/2025/07/sanctioning-lawfare-that-targets-u-s-and-israeli-persons>

⁹ Charity and Security Network. (2025, April 3). Trump Administration's Sanctions on the ICC Implicates NGOs. <https://charityandsecurity.org/news/trump-administrations-sanctions-on-the-icc-implicates-ngos/>

¹⁰ Lee, M. (2025, August 29). *US revokes visa of Palestinian president ahead of UN meeting* | AP News. AP News. <https://apnews.com/article/israel-palestinians-rubio-un-4bb2a424ecdd8805f9a7a153848b3ad7>

¹¹ *Executive Order 14203—Imposing Sanctions on the International Criminal Court* | The American Presidency Project. (n.d.). <https://www.presidency.ucsb.edu/documents/executive-order-14203-imposing-sanctions-the-international-criminal-court>

officials involved in actions against civilians in Gaza after the Hamas attacks in Israel in October 2023. This action seeks to stifle critical Palestinian civil society advocacy and human rights work and further limit engagement with the International Criminal Court (ICC), a vital accountability mechanism in the international system.

The effect of the designations is to block or freeze the groups' bank accounts that are subject to U.S. jurisdiction, which could not only deny them access to their own funds, but also make it difficult to utilize the international banking system.¹² The use of sanctions to target human rights organizations creates new challenges for partner organizations operating across the sector, as persons subject to U.S. jurisdiction are now prohibited from engaging in transactions with designated groups or providing them with goods, services, technical advice and assistance, or other forms of material support. Violations of these sanctions can carry civil or criminal penalties.¹³ Notably, these organizations are now listed on the Specially Designated Nationals (SDN) list, not the Specially Designated Global Terrorist (SDGT) list, or the Department of the Treasury's terrorism-related sanctions scheme. The complexity of these varying regimes can pose challenges for civil society organizations seeking to navigate sanctions and counter-terrorism laws and frameworks, limiting their abilities to carry out their missions.

¹² Charity and Security Network. (2025, September 8).

U.S. Expands ICC-related Sanctions to Include Three Palestinian Human Rights Organizations, Sparking International Outcry.

<https://charityandsecurity.org/news/us-expands-icc-related-sanctions-to-include-three-palestinian-human-rights-organizations-sparking-international-outcry/>

¹³ Charity and Security Network. (2025, October 1). International Criminal Court-Related U.S. Sanctions Regulations: FAQs for Nonprofit Organizations.

<https://charityandsecurity.org/analysis/international-criminal-court-related-u-s-sanctions-regulations-faqs-for-nonprofit-organizations/>

Designation of Antifa as a Domestic Terrorist Organization

On Sept. 22, 2025, President Trump issued an Executive Order designating Antifa as a “domestic terrorist organization.”¹⁴ There is no legal basis for this designation and the order does not create a new law. But it may serve as a policy directive to federal agencies to use existing law as a political weapon against groups that disagree with or engage in advocacy work in opposition to the priorities of the President. Because Antifa is a movement and not an organization, the EO’s broad and vague call to federal agencies to “utilize all applicable authorities to investigate, disrupt, and dismantle any and all illegal operations” carried out by or on behalf of Antifa is ripe for abuse. It could result in surveillance, investigations and criminal prosecutions of protected First Amendment activities, and serve as a mechanism for targeting progressive nonprofit organizations (NPOs), which Vice President JD Vance lifted up as a priority in the wake of right-wing political activist Charlie Kirk’s assassination.¹⁵ On Oct. 16, charges were filed against two protesters who partook in a demonstration outside of an ICE facility in Alvarado, Texas, illustrating this expansion of legal action.¹⁶ The administration’s efforts to frame political violence and the erosion of democracy as an outcome of progressive, or left-leaning organizing and advocacy is unsubstantiated and creates a chilling effect on nonprofit organizations, activists, and advocates across the sector.

¹⁴ The White House. (2025, September 22). *Designating Antifa as a domestic terrorist organization*.

<https://www.whitehouse.gov/presidential-actions/2025/09/designating-antifa-as-a-domestic-terrorist-organization/>

¹⁵ Charity and Security Network. (2025, September 24). Trump’s Terrorism Designation of Antifa: Meaningless or Serious Threat?

<https://charityandsecurity.org/news/trumps-terrorism-designation-of-antifa-meaningless-or-serious-threat/>

¹⁶ Natasha Lennard. (2025, October 17). “Antifa” Protesters Charged With Terrorism for Constitutionally Protected Activity. *The Intercept*.

<https://theintercept.com/2025/10/17/antifa-ice-protesters-terrorism-texas-prairieland/>

The Trump Administration has long sought to target Antifa and in recent months, concern emerged that it would take steps to designate the entity as an FTO.¹⁷ Senator Schmitt (R-MO), Ranking Member of the Subcommittee on the Constitution sent a letter to Secretary of State, Marco Rubio, on Oct. 14, 2025, urging him to designate Antifa and its enablers as FTOs. Weeks later on Oct. 29, 2025, the Senate Judiciary Subcommittee on the Constitution held a hearing titled “Politically Violent Attacks: A Threat to Our Constitutional Order” where Schmitt and a Majority witness raised this once again.¹⁸ On Nov. 13, 2025, the Department of State took action on these requests and announced the designations of four Antifa-related organizations based in Germany, Italy, and Greece.¹⁹ The implications for organizations working domestically with any ties to the mission or priorities of the designated groups will be far-reaching. The aforementioned expansion of the FTO apparatus also creates a dangerous operating environment for organizations working on progressive issues.

¹⁷ Brzozowski, T. (2025, October 27). How Designating Antifa as a Foreign Terrorist Organization Could Threaten Civil Liberties. *Just Security*.
<https://www.justsecurity.org/122643/antifa-threaten-civil-liberties/>

¹⁸ Charity & Security Network (2025, October 30). Senate Hearing on Political Violence Underscores Growing Threat to Nonprofits.
<https://charityandsecurity.org/news/senate-cracks-down-on-political-violence-implications-for-nonprofits-targeted-by-these-political-attacks/>

¹⁹ U.S. Department of State. (2025, November 13). Designations of Antifa Ost and Three Other Violent Antifa Groups.
<https://www.state.gov/releases/office-of-the-spokesperson/2025/11/designations-of-antifa-ost-and-three-other-violent-antifa-groups/>

National Security Presidential Memorandum/NSPM-7

Three days after the Trump Administration put out the order designating Antifa as a "domestic terrorist organization," the administration released the National Security Presidential Memorandum (NSPM-7), a Memorandum on "Countering Domestic Terrorism and Organized Political Violence."²⁰ It asserted without evidence that a vast left-wing conspiracy is responsible for increasing political violence in the U.S. The Memorandum creates no new powers, but seeks to weaponize existing law and law enforcement agencies, including the National Joint Terrorism Task Force and its local offices (JTTFs), to target left-leaning organizations that it claims are responsible for "a violent assault against democratic institutions, constitutional rights and fundamental American liberties." It calls for designating "domestic terrorist organizations" even though there is no legal authority to do so.²¹ In alignment with the memo, the Department of Justice announced it would investigate the Open Society Foundations, a prominent philanthropic organization whose mission is to support "bold, democratic solutions to our urgent, common challenges that advance rights, equity, and justice."²²

The nonprofit sector and its supporters were quick to condemn the Memorandum. A statement from the National Council of Nonprofits, the nation's largest network of NPOs, representing over 30,000 organizations in 45 states, called on NPOs to contact their representatives in Congress and ask

²⁰ The White House. (2025, September 26). *Countering domestic terrorism and organized political violence*.

<https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>

²¹ Charity and Security Network. (2025, October 2). Summary and Commentary: Presidential Memorandum on Countering Domestic Terrorism and Organized Political Violence.

<https://charityandsecurity.org/analysis/summary-and-commentary-presidential-memorandum-on-countering-domestic-terrorism-and-organized-political-violence/>

²² (2025, September 25). Justice Dept. Official Pushes Prosecutors to Investigate George Soros's Foundation. *New York Times*.

<https://www.nytimes.com/2025/09/25/us/politics/justice-trump-george-soros-foundation.html>

them to “take immediate action to protect nonprofit organizations from these unlawful attacks by the Trump administration.”²³ CEO Diane Yentel said, “This action... is a blatant attack on one of the core principles of our democracy, the freedom of speech. This rhetoric and action undermines the lifesaving work of millions of nonprofit staff and volunteers and puts them at risk.”

Federico Borello, Acting Director of Human Rights Watch, said “President Trump’s order mobilizing federal law enforcement to investigate perceived opponents of his administration turns reality on its head. It fabricates a nonexistent plot as a pretext to suppress speech and ideas across the U.S. political spectrum.”²⁴ He called on other governments to “urge the Trump administration to change course...” noting that “When the U.S. president undermines rights and democratic principles at home, it sends a green light to autocrats everywhere.”

A summary from the law firm Arnold & Porter, *Turning Powerful Post 9-11 Counterterrorism Tools Onto Domestic Policy Targets*, observes that, “Because the Presidential Memorandum calls for criminal investigations and other legal consequences based on beliefs expressed by organizations and their affiliates, the memorandum — and especially subsequent agency actions to implement its directives — presents significant issues under the First Amendment.”²⁵

²³ *Urge Congress to Protect Nonprofits from Ideological Attacks!* (n.d.). National Council of Nonprofits.

https://ujoin.co/campaigns/3749/actions/public?action_id=5292

²⁴ US: Trump targets opponents in sweeping memorandum. (2025, September 29). *Human Rights Watch*.

<https://www.hrw.org/news/2025/09/26/us-trump-targets-opponents-in-sweeping-memorandum>

²⁵ *Turning powerful post 9-11 counterterrorism tools onto domestic policy targets* | *Enforcement Edge* | *Blogs* | *Arnold & Porter*. (n.d.). Arnold & Porter.

<https://www.arnoldporter.com/en/perspectives/blogs/enforcement-edge/2025/09/turning-counterterrorism-tools-onto-domestic-policy-targets>

Sumayyah Waheed of Muslim Advocates noted that the Memorandum expands on post-9/11 policies which have historically targeted Muslim communities and that “by including common and minor protest-related offenses and casting them as ‘domestic terrorist acts,’ the memo invites even more aggressive policing, arrest, and charging practices against protesters the regime (or any particular officer) disfavors. This escalates an authoritarian trend that is already operating against protesters in many states.”²⁶

²⁶ Waheed, S. (2025, October 30). Trump's Domestic Terrorism Memo Targets Dissent, Doubles Down on Dangerous Post-9/11 Policies. Muslim Advocates. <https://muslimadvocates.org/2025/10/trumps-domestic-terrorism-memo-targets-dissent/>

Deployment of National Guard & Escalation of Law Enforcement Activity

The Trump administration has authorized the deployment of the National Guard to democratic-run cities across the U.S., namely, Washington, D.C., Los Angeles, California, Chicago, Illinois, Portland, Oregon, and Memphis, Tennessee. The administration has claimed that these regions have high crime rates, are home to dissidents who are attacking law enforcement agents and fomenting “political violence,” and/or are in need of regulation of their migrant communities, requiring the federalization of law enforcement and troop deployment. These agents have employed chemical weapons and used physical force against protestors and journalists seeking to report on these developments. The Department of Homeland Security (DHS) frames protestors as “rioters,” justifying their violent or heightened response to demonstrations, and categorizes protests against federal officers as “political violence”. This has cultivated an environment of fear and regulation.

