

Palestinian student activist Mohsen Mahdawi released from ICE custody by court order

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On Wednesday April 30, Mohsen Mahdawi, a student at Columbia University and a legal permanent resident of the United States, was released from Immigration and Customs Enforcement (ICE) custody by a court order from US District Court Judge Geoffrey W. Crawford.

Mahdawi was taken into ICE custody on April 14 after appearing at the Colchester, Vermont, office of Citizenship and Immigration Services, for what he was told was an interview for citizenship. In fact, it was a trap which ICE had prepared to snatch Mahdawi. The deportation was halted by the order of Judge William Sessions III, in response to a habeas petition filed by Mahdawi's lawyers. The Trump administration's attorneys sought to have the petition quashed in order to keep Mahdawi in ICE custody and ultimately deport him from the US.

Mahdawi was a leading figure alongside Mahmoud Khalil in the student protests against Israel's genocide in Gaza at Columbia University in 2023 and 2024. Khalil remains in ICE detention in Louisiana after being kidnapped by agents from his New York City apartment in a warrantless raid on March 8.

Born in the West Bank in Palestine, Mahdawi is a personal witness to the crimes committed by Israel and American imperialism against the Palestinian people.

Judge Crawford compared the detention of Mahdawi and other international students and protesters to the Red Scare of the 1950s, and described the detention of Mahdawi as being intended to have a "chilling effect" on free political speech, "intended to shut down debate."

"The two weeks of detention so far demonstrate great harm to a person who has been charged with no crime," Crawford said, before ordering Mahdawi's release. In the release order Crawford said Mahdawi

has a "substantial claim that the government arrested him to stifle speech with which it disagrees."

"The court also considers the extraordinary setting of this case and others like it. Legal residents—not charged with crimes or misconduct—are being arrested and threatened with deportation for stating their views on the political issues of the day," Crawford noted.

"Even if he were a firebrand, his conduct is protected by the First Amendment...The court is aware that he has offended his political opponents and apparently given rise to concerns at the State Department that he is an obstacle to American foreign policy. Such conduct is insufficient to support a finding that he is in any way a danger as we use that term in the context of detention and release."

The argument of the government in this case is the invocation of the Immigration and Nationality Act, also known as the McCarran Act, legislation which dates to the period of the McCarthyite witch-hunts. The government has argued in court that because Secretary of State Marco Rubio has determined that their "presence and activities in the United States would have serious adverse foreign policy consequences and would compromise compelling U.S. foreign policy interest," Mahdawi and other anti-war students should not be allowed to remain in the United States despite their legal status as students and residents.

In an attempt to slander Mahdawi, the government put forward baseless claims from a closed 10-year-old investigation which it used to argue that he was a threat to national security. In response, Mahdawi said he is "absolutely certain that I never expressed the words the report falsely attributes to me, in that exchange or ever. I am a peaceful person, and would never express wanting to harm or kill anyone. I am heartbroken to

have such appalling words, which stand in complete contrast to my philosophy on life and spiritual beliefs, misattributed to me.”

The government also dug up expunged records, and grossly exaggerated prior cases against Mahdawi, such as claiming he was arrested for possession of schedule 1 drugs, including Methamphetamine, when in fact the only drugs in his possession were medications prescribed by his doctor. Mahdawi’s lawyer characterized the methods utilized by the government as “digging into the very depths of the barrel to try to find anything they can on Mr. Mahdawi.”

Government lawyer Michael Drescher argued that the District Court judges have no jurisdiction over deportation proceedings and claimed total authority for the executive branch to remove anyone, including legal permanent residents and naturalized citizens, with no oversight from the courts or due process: “District courts play no role in that process. Consequently, this Court lacks jurisdiction over Petitioner’s claims, which are all, at bottom, challenges to removal proceedings.”

In his statements to an audience of supporters outside the court, Mahdawi said:

Judge Crawford, who ruled to release me against all of the heinous accusations, horrible attacks, chills of speech, First Amendment violations—he had made a very brave decision to let me out, and this is what justice is. And for anybody who’s doubting justice, this is a light of hope, a hope and faith in the justice system in America.

I am saying it, clear and loud, to President Trump and his Cabinet, I’m not afraid of you.

We must stand up for humanity because the rest of the world, not only Palestine, is watching us. And what is going to happen in America is going to affect the rest of the world.

Mahdawi included in his remarks an appeal for the freedom of other students targeted in the Trump administration’s crackdown on anti-war speech: “Keep in mind that, yes, you might think I am free, but my freedom is interlinked to the freedom of many other students, including Rûmeysa Öztürk and Mahmoud

Khalil.”

As of this writing, it is estimated that over 3,000 students have had their visas or Green Cards revoked. The Trump administration is utilizing artificial intelligence (AI) to parse mass data surveillance to identify and target students for their political viewpoints, as a part of their “catch and revoke” program.

The logic of the assault on political free speech does not stop with the proscription of anti-war and anti-Zionist political viewpoints. The methods and arguments made in the case against Mahdawi will be used against anyone, including citizens who express any opposition to the policies of the Trump administration and the capitalist ruling elite it represents.

While Mahdawi has been freed from ICE custody, the case for his removal from the US is proceeding. The government is seeking Mahdawi’s removal as the spearhead of Trump’s efforts to establish a dictatorship in the United States. It is not only an assault on the First Amendment free speech rights of student visa holders and legal permanent residents, but of the entire population.

To oppose the Trump administration’s push for a dictatorship, it is necessary for workers, youth, and students to take up the fight for the defense and expansion of democratic rights and to build a mass movement of the international working class on the basis of a socialist program.



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