

After New Evidence of DOJ Misconduct, Mahmoud Khalil Calls On Board of Immigration Appeals to Terminate Case

Mr. Khalil Separately Appealed the Removal Order to the Fifth Circuit Court of Appeals

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NEW YORK — In light of new evidence of misconduct by the Trump Administration, Mahmoud Khalil's legal team is [asking](#) the Board of Immigration Appeals (BIA) to re-open his immigration case and terminate proceedings. The [new evidence](#) suggests that the Trump Administration secretly engineered the outcome of his immigration case to make an example of him.

The motion includes declarations from former immigration judges, as well as former members of the BIA, testifying to the weaponization of the immigration court system to achieve the Trump administration's political goals and the apparent procedural abnormalities in Mr. Khalil's case. The filing shows that the BIA, which is controlled by the Trump administration's Department of Justice, improperly influenced the lower immigration court's decision, fast-tracked his proceedings, bypassed the normal channels through which immigration appeals are docketed and adjudicated, and ultimately reached a decision in an unheard-of nine days.

The administration pressed all of this forward in open defiance of a federal district court order barring the government from using the "foreign policy ground" — the original pretext for Mr. Khalil's arrest — to detain or remove

him.

"The administration wants to arrest, detain, and deport me to intimidate everyone speaking out for Palestine across this country, and they are willing to violate longstanding U.S. rules and procedures to do it," said **Mahmoud Khalil**. "This is the performance of due process the administration is offering me: putting me through a sham immigration process while guaranteeing the outcome in advance. But no lies, corruption, or ideological persecution will stop me from advocating for Palestine and for everyone's right to free speech."

The new evidence also includes reports that at least three judges on the BIA recused themselves from voting on the decision in his case, a highly unusual move that suggests they may have played a role in the immigration judge's rulings from behind the scenes — despite the judge being legally obligated to exercise her own independent judgment.

Allegations of misconduct in Mr. Khalil's case are corroborated by growing evidence that the Executive Office of Immigration Review leadership and other top government officials pressured judges to issue predetermined decisions and expedite deportations — particularly in high-profile cases like Mr. Khalil's — despite the agency being legally obligated to provide noncitizens a full and fair hearing on their claims.

"It's clear that the revelations of DOJ misconduct corroborate what we have known since Mahmoud was arrested—that the administration has reverse-engineered its desired outcome by weaponizing a farcical proceeding littered with abnormalities," said **Johnny Sinodis, partner at Van Der Hout LLP**. "The administration has to be held to account, and the government's case against Mahmoud must be thrown out. Transparency also dictates that the government produce any records regarding the handling and adjudication of Mahmoud's case. The apparent interference with the Immigration Judge's decision making is not only unconstitutional but also violates the government's own rules and procedures."

This filing with the BIA comes as Mr. Khalil waits for the full Third Circuit Court of Appeals to decide whether they will [re-hear](#) the government's appeal of the district court's orders prohibiting his detention and deportation. While that is pending, the Third Circuit panel's order overturning the district court's orders is not currently in effect and the Trump administration [cannot lawfully re-detain nor deport Mr. Khalil](#) at this time.

Last weekend, Mr. Khalil's legal team also filed an appeal with the Fifth Circuit Court of Appeals, urging it to reverse the BIA's removal order and terminate the proceedings entirely. As the legal team has repeatedly made clear, the immigration judge rushed to a decision without considering relevant evidence and refused to consider the constitutional challenges to his deportation, and improperly sustained false, after-the-fact charges that the Trump administration brought in retaliation for Mr. Khalil's speech. This Fifth Circuit appeal will proceed regardless of whether the stay of the mandate is granted in the Third Circuit.

Mr. Khalil is represented by Van Der Hout LLP, Dratel & Lewis, the Center for Constitutional Rights, CLEAR, Washington Square Legal Services, the American Civil Liberties Union (ACLU), the New York Civil Liberties Union (NYCLU), the ACLU of New Jersey, and the ACLU of Louisiana.

The motion can be [viewed here](#).

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