



## FREE SPEECH, MATERIAL SUPPORT, AND IMMIGRATION IMPLICATIONS

As the events unfold in the Gaza Strip, many feel compelled to volunteer, speak out, and donate in support of the Palestinian people. There are many **free speech pitfalls** for individuals who want to apply for U.S. immigration status. What you say and how you say it matters. The U.S. government often targets protected political speech if it believes the speech or other conduct falls under a “terrorism-related ground of inadmissibility.” (TRIG). Below we share some general information individuals should consider about how speech or conduct can impact a noncitizen when moving through the immigration system.

### WHAT IS MATERIAL SUPPORT

Congress has determined that “**material support of terrorism**” includes any action that can assist a terrorist organization or one of its members in any way. The definition in 8 USC § 1182(a)(3)(B)(iv)(VI)(dd) is broader than in criminal law. In *Matter of S-K*, the Board of Immigration Appeals did not reject DHS’s assertion that the material support includes “**virtually all forms of assistance**.” This can be indirect support and does not require that the terrorist organization be officially “designated.” In some instances, courts have held that speech constitutes criminal material support. Similarly, immigration officials may use otherwise protected speech to decide that a noncitizen is ineligible for certain immigration benefits.

### WHY IT MATTERS

The U.S. government performs security investigations on ALL immigration applications. It may ask for lists of social media accounts, published articles, and organizations the noncitizen has been involved in across the globe. Applicants should **always provide truthful answers**. Immigration officials have incorrectly labeled politically unpopular, protected speech as material support of terrorism because of implicit bias, miscommunication, and lack of cultural competency. MLFA vigorously challenges the U.S. government in many such cases at administrative agencies, in immigration court, and in federal court because no one is above the law.

<p><b><u>Terrorist Organizations Defined</u></b></p> <p><b>TIER I:</b> Foreign organization <b>designated</b> by Secretary of State and published in Federal Register (8 USCS §1189)</p> <p><b>TIER II:</b> Organization <b>designated</b> by Attorney General or Secretary of Homeland Security (411 USA Patriot Act)</p> <p><b>TIER III:</b> <b>Undesignated</b> group of two or more individuals, whether organized or not, which engages in, or has a subgroup that engages in terrorist activity</p>	<p><b><u>Exemptions to TRIG</u></b></p> <p><b>Situational:</b></p> <ul style="list-style-type: none"> <li>- Afghans civil servants and allies</li> <li>- Material support, solicitation, or military-type training under duress (Tier III only)</li> <li>- Professional provision of medical care</li> <li>- Iraqi uprisings</li> <li>- Certain limited or insignificant material support</li> </ul> <p><b>Group-based:</b> 22 groups specifically authorized for the exemptions</p>	<p><b><u>Examples of material support</u></b></p> <p>Providing sugar, shoes, and cigarettes</p> <ul style="list-style-type: none"> <li>- Cleaning dishes and transporting food and medicine</li> <li>- Providing food and setting up tents</li> <li>- Providing financial support to orphans and families</li> <li>- Funding certain entities or charities</li> </ul> <p>Waiver available if the person can show they did not know and could not reasonably have known the organization was a terrorist organization</p>
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To learn more about what we do, please go to <https://mlfa.org/>. For specific immigration concerns related to terrorism-related inadmissibility grounds, please submit a request for help on our website at <https://mlfa.org/apply-for-help/>.