



# FEDERAL JUDGE RELEASES MOHSEN MAHDAWI AFTER BEING DETAINED FOR LAWFUL SPEECH

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**By Cyrus D. Mehta and Kaitlyn Box\***

On April 30, 2025, Judge Geoffrey Crawford of the United States District Court for the District of Vermont [ordered](#) in *Mahdawi v. Trump* that our client, Mohsen Mahdawi, a long-time lawful permanent resident and Columbia university student activist advocating for the human rights of Palestinians, be released from ICE detention.

Mahdawi's arrest, like that of fellow activist [Mahmoud Khalil](#), was based on his lawful speech that is disfavored by the Trump administration. A determination issued by Secretary of State Marco Rubio on March 15, 2025 [alleges](#) that Mahdawi's involvement in pro-Palestinian activism "undermines U.S. policy to combat anti-Semitism around the world and in the United States, in addition to efforts to protect Jewish students from harassment and violence in the United States" and "potentially undermine the peace process underway in the Middle East by reinforcing anti-Semitic sentiment in the region and thereby threatening the U.S. foreign policy goal of peacefully resolving the Gaza conflict."

Mahdawi was arrested on April 14, 2025 at the conclusion of his naturalization interview at a USCIS office in Vermont. Following his arrest, ICE attempted to move Mahdawi to Louisiana, but before ICE was able to make him board a flight to Louisiana, Judge William K. Sessions III of the United States District Court for the District of Vermont [granted](#) a temporary restraining order preventing him from being removed from the state. This was based on a [habeas petition](#) that was quickly filed which asserts that Mahdawi's detention violated his constitutional rights. More background information about the case is available on the ACLU's [website](#).

Mahdawi's release comes as the first major victory in the case. In his decision ordering Mahdawi's release, Judge Crawford called the setting of the case "extraordinary" and noted that "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. Our nation has seen times like this before, especially during the Red Scare and Palmer Raids of 1919-1920 that led to the deportation of hundreds of people suspected of anarchist or communist views". Mahdawi thanked his supporter and gave a [comment](#) outside the courthouse following his release, stating "We are pro-peace and anti-war". In a May 2, 2025 [op ed](#) in the New York Times, Mahdawi echoed these sentiments, stating:

*Despite spending 16 nights in a jail cell, I never lost hope in the inevitability of justice and the principles of democracy. I wanted to become a citizen of this country because I believe in the principles that it enshrines. When Judge Geoffrey W. Crawford ruled in my favor, he reassured me, along with the American people, that there is still reason to hope in those principles. But the road to justice is long. My freedom is intertwined with the freedom of the other students, who exercised the same free speech rights as I did yet languish in jail, and is intertwined with that of the Palestinians, who are fighting for their right to life and justice, too.*

*The American government accuses me of undermining U.S. foreign policy, a patently absurd pretext for deportation for political speech that the Trump administration dislikes. The government is scraping the bottom of the barrel in its attempts to smear me. My only "crime" is refusing to accept the slaughter of Palestinians, opposing war and promoting peace. I have simply insisted that international law must be respected. I believe the way to a just and long-lasting peace for Palestinians and Israelis is through diplomacy and restorative justice.*

Although Mahdawi's release is only the first step, his case sends an important message that a noncitizen cannot be detained solely due to his lawful speech that the administration disfavors. His release under the pending habeas petition in the federal court in Vermont is quite separate from the removal case under which the Trump administration wants to deport him under INA 237(a)(4)(C). A noncitizen can be removed under this provision if the Secretary of State has determined that the noncitizen's presence or activities, even if lawful, would potentially have serious adverse foreign policy consequences.

In his decision to release the pending habeas petition, Judge Crawford ruled that Mahdawi met the heightened standard by demonstrating a “substantial claim” and “extraordinary circumstances” under [Mapp v. Reno](#). The substantial claims asserted by Mahdawi were the infringement of his First Amendment and due process rights, as well as the impact of detention on the efficacy of the habeas remedy. The extraordinary circumstances present in the instant case included the lack of a flight risk or danger to the community posed by Mahdawi, as well as the broader-reaching implications of permitting a lawful permanent resident to be detained based on protected speech. Judge Crawford also took into consideration the fact that Mahdawi’s arrest after the naturalization interview was a honey trap, stating that he “presented himself at the USCIS office in Colchester even though he had suspicions that he would be detained”.

There are [over 12.7 million](#) lawful permanent residents in the United States, many of whom may now fear that they will suffer the same fate, if they post on social media, write op-eds, or publish research that may come in the cross hairs of this administration. There are also millions of foreign students and noncitizens on temporary visas who risk detention based on lawful speech that the administration does not like. As Judge Crawford stated in his decision, “Noncitizen residents like Mr. Mahdawi enjoy First Amendment rights in this country to the same extent as United States citizens”. They must be free to exercise those rights without fear of arrest, imprisonment, or deportation. Mahdawi himself [urged](#) his supporters to “Stay positive and believe in the inevitability of justice.”

The Trump administration has already appealed this decision to the Second Circuit Court of Appeals, and the legal team representing Mahdawi, which includes our law firm; the ACLU; ACLU of Vermont, Luna Droubi of Beldock Levine & Hoffman LLP; Andrew Delaney of Martin Delaney & Ricci Law Group; and CLEAR. will continue to vigorously defend Judge Crawford’s decision upholding the freedom to speak without fearing retaliation or punishment. We are inspired by Mahdawi’s optimism and belief in the [inevitability of justice](#).

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