

# United States Senate

WASHINGTON, DC 20510-0908

October 19, 2023

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, D.C. 20016

Dear Secretary Mayorkas:

We write with regard to recent demonstrations supporting Hamas, a U.S.-designated Foreign Terrorist Organization (FTO), on American soil. On October 7, 2023, Hamas launched a brutal terrorist attack on the State of Israel. This attack included the raping, mutilating, and kidnapping of innocent Israeli civilians, including children, as well as several Americans. Support for this attack is vile, and sadly, American universities have caved to terrorist sympathizing students by allowing rampant antisemitism and support for Hamas to pervert their grounds. Unfortunately, this abhorrent support could also be shared by those who are in the United States on a myriad of visa categories.

The U.S. Department of Homeland Security (DHS) is tasked with protecting America from those who seek to do us harm. Section 101 of the Homeland Security Act states that DHS's "primary mission ... is to ... prevent terrorist attacks within the United States" and "reduce the vulnerability of the United States to terrorism." This core responsibility was born from lessons learned on September 11, 2001, when terrorists, many of whom were studying in the United States or had overstayed visas, carried out the deadliest attack on American soil. Sadly, twenty-two years later, our country is witnessing public displays from terrorist sympathizers taking to the streets and condoning Hamas' brutal attacks against the State of Israel.

As you know, 8 U.S.C. § 1182(a)(3) mandates that, in addition to those who engage in terrorist activity or material support thereof, anyone who "endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization" is inadmissible into the United States and ineligible for a visa. As an FTO, support for Hamas and calling for others to join in Hamas' "Day of Rage" fits squarely into this criteria. Further, under 8 U.S.C. § 1201, the U.S. Department of State has the authority to revoke visas. Under these authorities, you must immediately perform a full review and coordinate with the Department of State to revoke the visas of those who have endorsed or espoused Hamas' terrorist activities and then deport them. Aside from identifying and deporting jihadist supporters, DHS should also be proactively working to ensure these aliens cannot obtain any additional immigration benefits.

The Student and Exchange Visitor Information System (SEVIS) serves as a valuable tool for both DHS and universities, and you must ensure that you use it to protect Americans, particularly on our university and college campuses. Under current regulations, institutions of

higher education, via their designated school official (DSO), are tasked with maintaining accurate records for the students in their programs. This includes those students who have completed their course study, transferred, or received a change in status as well as those whom have been terminated due to violations “to school policy, standards or requirements; the student’s nonimmigrant status; or civil or criminal law.” In addition to current requirements, DSOs should be required to immediately report pro-Hamas, or related activity, whether on campus or not, into SEVIS as a disqualifier for continued possession of a visa or lawful status as a student or exchange visitor. This type of hateful, anti-Semitic behavior should not be tolerated anywhere in the United States, and we should certainly not permit it from guests to our country who are studying at the greatest colleges and universities in the world.

Additionally, revising DHS’s Student and Exchange Visitor Program (SEVP) eligibility requirements to clarify that no educational institution can qualify for SEVP eligibility if that institution has officially supported, endorsed, or espoused Hamas or its recent activities, whether by issuing official statements, allowing pro-Hamas demonstrations on campus, or officially recognizing or providing financial assistance to student groups that support Hamas is crucial and timely. Support for terrorism should have no place on America’s campuses and we should not be inviting foreign students to study at any institution that supports Hamas’s reprehensible acts.

Also, we note the provisions of 18 U.S.C. § 2339A et seq, prohibits material support for Hamas and other designated foreign terrorist organizations. We ask that you coordinate with the U.S. Department of Justice National Security Division and the U.S. Department of Treasury Office of Terrorism and Financial Intelligence to take action against any institution of higher education that recognizes, or provides financial assistance to, student groups, including but not limited to “Students for Justice in Palestine,”<sup>1</sup> and other similar front organizations.

Finally, we urge you to respond quickly and appropriately when a university or college in the United States reaches out regarding potential national security concerns about individuals in their student body. We know from the past that terrorism can occur when the signs, sometimes subtle and sometimes blatant, are ignored. We fully anticipate that some universities and colleges will use the tools at their disposal to ensure potential terrorists are not wandering their campuses. We expect DHS and the federal personnel under your control to also respond appropriately.

You have an opportunity—and the obligation—to use the tools Congress has already provided to you to protect the safety of the United States during this critical time. We urge you to work hand-in-hand with the agencies of DHS, the U.S. Department of State, state and local law enforcement, and institutions of higher education to ensure that aliens who support terrorism are quickly removed from our country.

Thank you for your attention to this important matter.

---

<sup>1</sup> See generally Diker & Berk, *Students for Justice in Palestine Unmasked: Terror Links, Violence, Bigotry, and Intimidation on US Campuses*, Jerusalem Center for Public Affairs at 35-42 (2018), <https://bit.ly/3Qjew6n>.

Sincerely,



Marco Rubio  
U.S. Senator



Markwayne Mullin  
U.S. Senator



Rick Scott  
U.S. Senator



Deb Fischer  
U.S. Senator



Pete Ricketts  
U.S. Senator