

Legislative Fact Sheet

Extra-Judicial Exile of Americans Traveling Abroad

January 1, 2013

The Issue

- In the past two years CAIR has dealt with a number of high profile cases dealing with the extra-judicial exile of American citizens traveling abroad.
- When attempting to return home, these U.S. citizens find themselves placed on the no-fly list, presumably by the FBI, and are often coerced into speaking with foreign law enforcement and FBI agents while deprived of legal counsel. Moreover, they are put into situations of extreme duress where they are asked to spy on their religious communities.
- In all cases these American citizens faced no criminal charges in their destination country, no criminal charges in the U.S. or outstanding allegations of wrongdoing.
- In all cases these Americans were able to return to the U.S. only after intense public appeals, media coverage, and legal challenges. They presumably remain on the no-fly list.

What is Being Asked of Members of Congress?

- Congress should request the Justice Department's Office of the Inspector General to investigate the FBI's practice of placing Americans on the no-fly list while they are traveling abroad. It should be determined how many cases of extrajudicial exile the FBI has engaged in; how many of these citizens were able to return home; how many remain abroad; and, what follow-up the FBI effected in such cases.
- Congress should also work to ensure that national security and law enforcement agencies (such as the NCTC, TSC, FBI, DHS, CBP, ICE, and TSA) only place American citizens on the no-fly list if they pose an imminent or violent criminal threat to aviation security.
- Congress should take steps to ensure that Americans who have been charged with no crime can board a flight back to the United States.

Recent Cases of Extra-Judicial Exile of American Citizens Traveling Abroad

- The government is depriving these citizens one of the most basic rights of American citizenship: The right to be in the U.S. Fourteenth Amendment citizenship guarantees prohibit the government from any action that curtails or restricts the citizenship rights of Americans. This protection extends to citizens residing in the U.S. and returning home after traveling abroad.
- In 2011, 18-year-old Gulet Mohamed was placed on the no-fly list while abroad in Kuwait. When attempting to return to the U.S. he was placed into Kuwaiti custody and alleged that he was tortured and interrogated by Kuwaiti security agents on behalf of the U.S. government. Afterwards, he was coerced to answer questions under duress by Americans presumed to be FBI agents, who violated his civil rights by ignoring his repeated pleas for legal representation.
- In 2012, Jamal Tarhuni traveled to Tunisia to speak about his experiences working with humanitarian aid projects in recently liberated Libya. While in Tunisia he was interrogated by the FBI about his aid work and learned that they had placed him on the no-fly list. After many threats and demands that Mr. Tarhuni take a polygraph test, he flew back home after over a month.
- In 2012, Mustafa Elogbi was contacted by the FBI during his travels in Tunisia. When attempting to return to the U.S., during a stopover in England, he was detained by the British authorities and subsequently sent back to Tunisia where the FBI told him that he would have to submit to their interrogation if he wanted to get off of the no-fly list.
- In 2012, Kevin Iraniha, an American student placed on the no-fly list, was barred from a U.S.-bound flight from Costa Rica and was forced to fly to Mexico and walk across the border.