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**ALIEN TERRORIST REMOVAL COURT
OF THE UNITED STATES**

**IN RE MATTER OF APPLICATION
FOR REMOVAL**

**Case Number 2026-trc-1 (JNE)
UNDER SEAL**

ORDER

Congress amended the Immigration and Nationality Act in 1996 to add a new subchapter V that establishes this Court and provides procedures whereby the Attorney General may apply to remove an alien from the United States when there is classified information that indicates that the alien is an alien terrorist. The Court was relegated to obscurity for about thirty years, however, because the Government never filed such an application.

That changed on July 15, 2026, when the Government made the unprecedented decision to submit its first application invoking the Court's authority and procedures to pursue removing a lawful permanent resident—referred to as the Respondent—from the United States. The Government's application was supported by multiple classified exhibits and carefully reviewed by the Court.

Because the Court had questions about the application and the evidence submitted to support it, the Court held an ex parte and in camera hearing on July 16, 2026. The Court entertained oral arguments from the Government and raised a number of questions, both legal and administrative.

Several questions lingered after the hearing, so the Court issued an order directing the Government to supplement the record by supplying additional information to address the questions and to offer any further factual or legal analysis to satisfy its statutory obligations. The Government complied with the order via a written submission on July 22, 2026.

At this early stage of the multi-phase process set forth in subchapter V, the Government's burden is to demonstrate probable cause to believe that the Respondent is an alien terrorist who is physically present in the United States and whose removal via the procedures set forth in subchapter II would pose a risk to the United States' national security. If the Government satisfies this burden, the Court must issue an order granting the application. Doing so is not discretionary. 8 U.S.C. § 1533(c)(2) (mandating that the Court "shall" issue an order granting the application if the required probable cause judicial findings are made).

To be sure, "[b]ecause probable cause deals with probabilities and depends on the totality of the circumstances, it is a fluid concept that is not readily, or even usefully, reduced to a neat set of legal rules." *District of Columbia v. Wesby*, 583 U.S. 48, 57 (2018) (cleaned up). And, as a general concept, it "is not a high bar." *Kaley v. United States*, 571 U.S. 320, 338 (2014). To

the contrary, it “requires only the kind of fair probability on which reasonable and prudent people, not legal technicians, act.” *Id.* (cleaned up).

Importantly, probable cause must be based on the totality of the circumstances, which precludes the Court from engaging in a divide-and-conquer analysis that considers facts in isolation. *See, e.g., Wesby*, 583 U.S. at 61. Indeed, the United States Supreme Court has cautioned federal courts that evaluating facts in isolation when assessing whether probable cause exists is a “mistaken” approach given that “the whole is often greater than the sum of its parts—especially when the parts are viewed in isolation.” *Id.* at 60–61.

The Court is also mindful that “[c]ombating terrorism is . . . an urgent objective of the highest order.” *Fuld v. Palestine Liberation Org.*, 606 U.S. 1, 20 (2025) (internal quotation marks omitted). And, while Supreme Court precedents “make clear that concerns of national security and foreign relations do not warrant abdication of the judicial role,” nevertheless, when it comes to drawing factual inferences in this area, “respect for the Government’s conclusions is appropriate.” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 34 (2010). That is particularly true at this initial phase of the removal process, when all that must be shown is a fair probability and not definitive proof.

With these legal principles in mind, the Court **FINDS** that, based on the entire record, there is probable cause to believe that the Respondent has been correctly identified and is an alien terrorist present in the United States, and that removal under subchapter II would pose a risk to the United States’ national security. Accordingly, it is

ORDERED that the Government’s application is **GRANTED**.

July 27, 2026



JOAN N. ERICKSEN
Chief Judge, Alien Terrorist Removal Court