

Administration of Donald J. Trump, 2021

Memorandum on Inadmissibility of Persons Affiliated With Antifa Based on Organized Criminal Activity

January 5, 2021

Memorandum for the Secretary of State, Attorney General, and the Secretary of Homeland Security

Subject: Inadmissibility of Persons Affiliated with Antifa Based on Organized Criminal Activity

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. One of the fundamental purposes of our Government is to ensure the safety of our citizens. Consistent with the purpose of creating peaceful and prosperous communities, Federal law ensures immigration benefits may be granted only to those individuals who will follow the laws that govern all United States citizens. Accordingly, section 212(a)(3) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(3), renders inadmissible aliens who have engaged or who are likely to engage in terrorist activity and those aliens who seek entry into the United States to engage, principally or incidentally, in unlawful activity. Active membership in a criminal association is relevant to the determination of whether an applicant for a visa or other immigration benefit is seeking to enter the United States to engage in unlawful activity. Accordingly, law enforcement organizations, including the Department of Justice and the Department of Homeland Security, should continue to provide the Department of State with current information appropriate for updating the list of criminal organizations in the Foreign Affairs Manual at 9 FAM 302.5–4(B)(2). This information should include assessments of whether aliens involved with such associations pose a threat to the safety of our communities.

In particular, reliable reporting suggests that the movement known as Antifa is directly or indirectly responsible for some of the recent lawlessness in our communities, and has exploited tragedies to advance a radical, leftist, anarchist, and often violent agenda. In fact, Antifa has long used otherwise permissible demonstrations to engage in lawless, criminal behavior to further its radical agenda.

Between February and August 2017, during a series of protests in Berkeley, California, Antifa protesters physically assaulted several individuals and caused significant property damage. Specifically, reports indicate that during the August 27, 2017, protest, black-clad Antifa protestors viciously attacked a rally, including targeting at least one person because of his conservative political beliefs. These protests resulted in 13 arrests on a range of charges, including assault with a deadly weapon and obstructing a police officer. During the demonstrations on February 1, 2017, 150 black-clad agitators contributed to an estimated \$100,000 worth of property damage in Berkeley. Separately, on June 29, 2019, individuals affiliated with Antifa physically attacked conservative journalist Andy Ngo while he was covering demonstrations in Portland, Oregon, leaving him hospitalized.

Those affiliated with Antifa have also repeatedly threatened violence, including against law enforcement officers. For instance, in June 2018, a Twitter account linked to Antifa shared the names of more than 1,500 Immigration and Customs Enforcement employees, leading others to track and publicly post some employees' social media profiles, phone numbers, and home addresses, which, as intended, resulted in the employees being harassed.

In late September of 2020, individuals in a moving truck distributed riot equipment—including shields, masks, and a sign emblazoned with an Antifa symbol—in Louisville,

Kentucky, before riots ensued there. Hours later, the violent situation resulted in the shooting of two police officers. And on October 5, 2020, reported Antifa activists in Portland were captured on video attacking a woman carrying an American flag.

The Department of Justice has already publicly confirmed that actions by Antifa and similar groups meet the standard for domestic terrorism.

The violence spurred on by Antifa—such as hurling projectiles and incendiary devices at police, burning vehicles, and violently confronting police in defiance of local curfews—is dangerous to human life and to the fabric of our Nation. These violent acts undermine the rights of peaceful protestors and destroy the lives, liberty, and property of the people of this Nation, especially those most vulnerable.

Sec. 2. Inadmissibility of Antifa Associates Based on Terrorist and Unlawful Activity. (a) The Secretary of State shall, in consultation with the Attorney General and the Secretary of Homeland Security, review information received from the Department of Justice and other authorities to assess whether to classify Antifa as a terrorist organization under section 1182(a)(3)(B)(vi) of title 8, United States Code.

(b) The Secretary of State shall take all appropriate steps, in consultation with the Attorney General and the Secretary of Homeland Security, to consider listing Antifa in 9 FAM 302.5–4(B)(2)(U) Aliens Who Are Members of an Identified Criminal Organization.

Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

NOTE: An original was not available for verification of the content of this memorandum.

Categories: Communications to Federal Agencies : Antifa, inadmissibility of affiliated persons based on organized criminal activity, memorandum.

Names: Ngo, Andy.

Subjects: Immigration and naturalization : Foreign nationals and refugees, U.S. admission policy; Law enforcement and crime : Nationwide civil unrest and violence; Law enforcement and crime : Violence against law enforcement officers, prevention efforts; State, Department of : Secretary; Terrorism : Global threat.

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