



## U.S. Citizenship and Immigration Services

# Terrorism-Related Inadmissibility Grounds (TRIG)

Generally, any individual who is a member of a “terrorist organization” or who has engaged or engages in terrorism-related activity as defined by the Immigration and Nationality Act (INA) is “inadmissible” (not allowed to enter) the United States and is ineligible for most immigration benefits.

The definition of terrorism-related activity is relatively broad and may apply to individuals and activities not commonly thought to be associated with terrorism. As a result, Congress created a statutory exemption provision through which the Secretaries of Homeland Security and State may exempt individuals from the grounds of inadmissibility.

### Inadmissibility

Congress has determined that some individuals should not be allowed entry into the United States. The reasons individuals are denied admission vary and can be found in INA section 212, codified as Title 8 of the U.S. Code, section 1182.

Terrorism-related inadmissibility grounds (TRIG), exclude persons who have participated in various kinds of activity, including activity that is generally illegal and/or violent. The grounds for inadmissibility include, but are not limited to, individuals who:

- Engaged in “terrorist activity;”
- Are engaged or are likely to engage in terrorist activity after entry;
- Incited terrorist activity with intent to cause serious bodily harm or death;
- Are representatives or current members of a terrorist organization;
- Endorsed or espoused terrorist activity;
- Received military-type training from or on behalf of a terrorist organization; or
- Are spouses or children of anyone who has engaged in terrorist activity within the last five years (with certain exceptions).

### Terrorist Activity

The term terrorist activity covers various actions commonly associated with terrorism such as kidnapping, assassination, hijacking, nuclear, biological, or chemical agents, the use of firearms or other dangerous devices etc.

The INA defines terrorist activity quite expansively such that the term can apply to persons and actions not commonly thought of as terrorists and to actions not commonly thought of as terrorism. Significantly, there is no exception under the law for “freedom fighters,” so most rebel groups would be considered to be engaging in terrorist activity even if fighting against an authoritarian regime.

### Engaging in Terrorist Activity

This includes actions such as planning or executing a terrorist activity, soliciting others to do so, providing material support to a terrorist organization or member of a terrorist organization, and soliciting funds or recruiting members for a terrorist organization. See INA section 212(a)(3)(B).

### Material Support

The term “material support” includes actions such as providing a safe house, transportation, counterfeit documents, or funds to a terrorist organization or its members.

It also includes any action that can assist a terrorist organization or one of its members in any way, such as providing food, helping to set up tents, distributing literature, or making a small monetary contribution.

## Categories of Terrorist Organizations

### Tier I

These organizations are also referred to as Foreign Terrorist Organizations (FTOs). FTOs are foreign organizations that are designated by the Secretary of State in accordance with section 219 of the INA, as amended. There are three basic criteria for an organization to be considered an FTO:

1. It must be a foreign organization.
2. The organization must engage in terrorist activity, as defined in section 212 (a)(3)(B) of the INA (8 U.S.C. § 1182(a)(3)(B)), or terrorism, as defined in or retain the capability and intent to engage in terrorist activity or terrorism.
3. The organization’s terrorist activity or terrorism must threaten the security of U.S. nationals or the national security (national defense, foreign relations, or the economic interests) of the United States.

More information can be found at the State Department’s website:

<http://www.state.gov/j/ct/rls/other/des/123085.htm>

### Tier II

The Secretary of State, in consultation with or upon the request of the Attorney General, may designate terrorist organizations for immigration purposes, after a finding that the organization engages in terrorist activity as defined in section 212(a)(3)(B)(iv) of the INA (8 U.S.C. § 1182(a)(3)(B)(iv)); see section 212(a)(3)(B)(vi) of the INA. This authority is known as the “Terrorist Exclusion List (TEL)” authority. A TEL designation will generally exclude aliens associated with entities on the TEL from entering the United States.

More information can be found at the State Department’s website:

<http://www.state.gov/j/ct/rls/other/des/123086.htm>

### Tier III

These organizations are defined by law as “a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in,” terrorist activity. Tier III organizations are also called “undesigned terrorist organizations” because they qualify as terrorist organizations based on their activities alone without undergoing a formal designation process like Tier I and Tier II organizations.

Instead, the determination of whether a group can be considered a Tier III organization is made on a case-by-case basis, in connection with the review of an application for an immigration benefit. Tier III organizations arise and change over time.

## Exemptions

The Secretaries of State and Homeland Security, can grant exemptions from the terrorism-related inadmissibility grounds for much of the activity covered under the statute (see section 212(d)(3)(B) of the INA).

To date, the Secretaries have exercised their authority to grant a number of group-based situational exemptions. To learn more about Exemptions see our [Terrorism-Related Inadmissibility Grounds](#)

[Exemptions page](#).

For information on the exemptions process for individuals in removal proceedings, see our [Fact Sheet on Cases with Administratively Final Orders of Removal. \(PDF, 28 KB\)](#). Attorneys wishing to receive correspondence related to their client's case must have a recent Form G-28 on file.

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