

## **What qualifies as “membership in a terrorist organization?”**

### **Relevant Factors**

Neither the Act nor the regulations define “membership in a terrorist organization.” However, according to a Department of State cable that was later reprinted in Interpreter Releases, membership should be determined from facts which include, but are not limited to:

- acknowledgment of membership by the organization, by other members, or by the applicant;
- actively working to further the organization’s aims and methods in a way suggesting close affiliation constituting membership;
- occupying a position of trust in the organization, past or present;
- receiving financial support from the organization, e.g., scholarships, pensions, salary;
- contributing money to the organization;
- determination of membership by a competent court;
- frequent association with other members;
- participation in the organization’s activities, even if lawful;
- voluntarily displaying symbols of the organization;
- receiving honors and awards given by the organization

See “Senate Holds Hearing on Terrorism, State Department Implements Designated Terrorist Group List,” 75 No.8 Interpreter Releases 294, 296-97 (March 2, 1998). The factors should be considered in the entirety. Id.

### **Only present membership**

The law is written in the present tense. (“Any alien who . . . is a member of a terrorist organization . . . is inadmissible.”) It requires that a person be a member of a terrorist organization at the time of the application. However, if the trier of fact can determine that an alien was a member in the past, current membership can be inferred unless the alien can establish that s/he is no longer a member. See “Senate Holds Hearing on Terrorism, State Department Implements Designated Terrorist Group List,” 75 No.8 Interpreter Releases 294, 297 (March 2, 1998).