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What the U.S. Can Do To Address Transnational Repression Within Its Borders

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Cover Photo: Members of the U.S. Helsinki Commission, which includes U.S. senators and representatives, discuss issues relating to Russian imperialism in Ukraine during a meeting on March 23, 2022, in Washington, D.C. (Anna Moneymaker/Getty Images)

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EXECUTIVE SUMMARY

Transnational repression occurs when governments extend their reach beyond borders to attempt to silence or eliminate critics living in other countries. While this kind of repression has precedent, it has dramatically expanded in recent decades.

The U.S. government has taken steps to counter transnational repression, addressing threats from regimes targeting dissidents and human rights advocates on American soil through executive branch leadership, diplomatic engagement, and improved State Department reporting. Congress, meanwhile, has been mostly unable to pass legislation and has faced executive branch resistance. U.S. law enforcement has been notably active and successful in countering specific incidents of transnational repression, yet reforms in Immigration and Customs Enforcement and an improved understanding of the issue in U.S. courts have not eliminated the impact of transnational repression through the U.S. legal system.

There are two primary pathways through which transnational repression can reach inside the United States or affect U.S. agencies: through the U.S. visa, immigration, and law enforcement systems, or through foreign actors inside or outside the United States. Reforms should address both of these pathways. Among other recommendations, this report recommends:

Executive Branch:

- Improve collaboration with Congress instead of relying on the executive branch's leadership in foreign policy to respond to transnational repression.
- Support enhanced training, reporting, and disclosure across agencies.
- Enhance communication across the executive branch, including by creating a public ombudsman position in the U.S. National Central Bureau (NCB), the agency responsible for communications with Interpol.

Congress:

- Pressure the executive branch to fulfill the existing requirements of U.S. law relevant to transnational repression and to improve its reporting more broadly.
- Develop a definition of transnational repression in U.S. law.
- Adopt appropriate legislation to address specific gaps in U.S. law.

Law Enforcement:

- Enhance outreach to diaspora communities.
- Enhance interaction with policy and legal communities.

Diplomacy:

- Focus on preserving freedom of movement by democratic coordination in Interpol and elsewhere.
- Support the simultaneous imposition of sanctions by democracies on repressive regimes.
- Support the creation in law of a compensation mechanism for victims of transnational repression.

As defined by New Lines Institute for Policy and Strategy, "transnational repression (TNR) is those actions or activities taken by representatives of

This report calls for a comprehensive approach that seeks to prevent and respond to transnational repression, strengthen protections, address technology-enabled threats, and foster international cooperation to combat this rising form of repression globally.

a state and/or its proxies to repress nationals of that state living outside its borders. Transnational repression is a global phenomenon and is often, though not exclusively, enacted by authoritarian governments, as well as by governments with weak or compromised judiciaries where corruption and graft impact law enforcement processes. TNR is carried out both directly and by proxy, using a wide array of tactics that include (but are not limited to) murder and attempted murder, grievous bodily harm, electronic or in-person stalking, electronic or in-person harassment, family hostage-holding, and misuse of international legal instruments to imprison or achieve extradition of an individual. The goal of transnational repression is typically to stifle advocacy and silence criticism of a state beyond its borders.”

As a practice, transnational repression is widespread. Human Rights Watch identified 31 governments involved in it between 2014 and 2021.¹ In February 2025, in its latest summary, Freedom House reported 1,219 incidents perpetrated by 48 governments in 103 countries, highlighting the threat posed to U.S. citizens, exiles, and diaspora communities and to U.S.-born individuals who are targeted due to their ethnic or cultural ties to countries such as China, Iran, and Türkiye.²

Transnational repression has a long history. For example, a Stalinist henchman assassinated Soviet dissident Leon Trotsky in Mexico in 1940, and Communist spies killed Bulgarian writer Georgi Markov in London with a poisoned umbrella in 1978.³ In 1976, Orlando Letelier, a former ambassador to the United States, and a colleague were assassinated by car bombing in Washington, D.C., on the orders of Chilean dictator Augusto Pinochet. However, this type of persecution has dramatically expanded in recent decades as modern communications technology, increased migration, and relatively open borders make it easier for repressive regimes to extend their reach globally.

The U.S. government has taken steps to counter transnational repression, addressing threats from regimes targeting dissidents and human rights advocates on American soil. Legislative efforts, improved reporting, diplomatic engagement, law enforcement actions, and reforms to curb the misuse of international law enforcement tools, such as Interpol’s Red Notices, have been significant. High-profile cases, such as Iranian plots to abduct and assassinate Masih Alinejad, a U.S.-based American-Iranian journalist and human rights advocate, underscore the urgency of protecting individuals from foreign harassment, surveillance, and physical threats. However, the threat posed by transnational repression goes far beyond the high-profile cases, and further government action is needed.

This report provides a historical overview of when and how transnational repression became a policy issue in the United States and then summarizes and assesses responses from the executive branch, Congress, law enforcement, and U.S. courts to the challenges posed by transnational repression. It calls for a comprehensive approach that seeks to prevent and respond to transnational repression, strengthen protections, address technology-enabled threats, and foster international cooperation to combat this rising form of repression globally.

When Transnational Repression Became a U.S. Policy Issue

The term “transnational repression” was coined in 2016 by Dana Moss.⁴ However, U.S. policymakers had become concerned about the issue well before that. This concern initially centered on Russia, with a 2009 hearing by the U.S. Helsinki Commission noting the harassment of U.S. citizen Ilya

Katsnelson and Anglo-American investor William Browder by Russia through Interpol.⁵ Browder was the driving force behind the adoption, first in the U.S. and then more widely, of the Magnitsky legislation, and his account in his 2015 best-selling book “Red Notice” marked a significant escalation of public and political interest in the issue.

Until the late 2010s, U.S. interest in the phenomenon of transnational repression was primarily limited to the Russian manipulation of Interpol. The U.S. focus began to expand after poisonings perpetrated by Russian agents in the United Kingdom in March 2018 and the October 2018 assassination of U.S.-based Saudi journalist Jamal Khashoggi.

China’s efforts to target Uyghurs, Tibetans, and Hong Kong democracy activists abroad also attracted the attention of American policymakers. In 2019, reports emerged that Chinese authorities were pressuring Uyghur exiles in the United States to provide information on family members in Xinjiang, a province-level autonomous region in western China with a majority-Muslim population, while also threatening those family members to force the exiles to comply with Chinese party-state demands.⁶

In response, the administration of U.S. President Donald Trump imposed Global Magnitsky Act sanctions in 2020 against Chinese officials involved in human rights abuses against Uyghurs. Then-Secretary of State Mike Pompeo emphasized that the U.S. would not tolerate China’s attempts to silence critics abroad.⁷ Together with the beginning of the State Department reporting on what it described as “politically motivated reprisal[s] against individuals located outside the country” in 2020 – reporting that will be revisited in greater depth in the section “The U.S. State Department’s Reporting Has Improved” – this marked the moment when transnational repression became a focal point of U.S. foreign policy.

This focus continued after President Joe Biden took office. In 2020, Russian opposition leader Alexei Navalny was poisoned with a nerve agent and treated in Germany. He died in a Russian prison in February 2024.⁸ Navalny’s case, though not strictly an incident of transnational repression – as he lived in Russia – underscored Russia’s use of violence against dissidents domestically and internationally. In response to his poisoning and jailing, the Biden administration imposed sanctions on Russian officials in March 2021, stating that the U.S. would hold Russia accountable for human rights violations.⁹

The Iranian plots against Alinejad led U.S. officials to recognize a broader pattern of transnational repression. As Assistant Attorney General John Demers remarked, “This is not just about one country targeting one individual; it’s about a broader pattern where regimes target critics wherever they are.”¹⁰ Thus, from the first stirrings of interest in the late 2000s, the desire of the U.S. public and policymakers to expose and combat transnational repression expanded significantly in the late 2010s, with 2018-2021 marking a watershed when transnational repression became an enduring concern of the U.S. policy system.

Executive Branch Leadership Has Been Notable – But Has Avoided Congress

Since the executive branch plays a key role in U.S. foreign policy direction, White House buy-in is essential in crafting an effective response to the globally repressive practices of authoritarian states. In the late 2010s, the executive branch began to address this growing threat in public, positioning it as a central concern for national security, human rights, and international law.

During a news conference held Oct. 28, 2020, in Washington, D.C., then-FBI Director Christopher Wray discusses the arrests of five suspected Chinese agents charged with targeting U.S.-based opponents of the Chinese government. (Sarah Silbiger / POOL / AFP via Getty Images)



Key figures from the FBI, the Justice Department, and the State Department have emphasized that transnational repression violates U.S. sovereignty and endangers fundamental U.S. liberties.

This emphasis was notable during the first Trump administration and the early years of Biden's term. FBI Director Christopher Wray brought the issue to national prominence in a July 2020 speech in which he specifically called out China's "Operation Fox Hunt," which claimed to repatriate corrupt officials but actually targeted political dissidents abroad. Wray explained how Chinese authorities used coercion, threats, and harassment to intimidate Chinese nationals residing in the U.S. in an effort to pressure them to return.¹¹ Wray revisited this theme in a January 2022 speech emphasizing the need to oppose Chinese government activities inside the United States.¹²

Wray's 2020 speech set the tone for subsequent FBI actions, including indictments against individuals involved in Operation Fox Hunt. This emphasis soon expanded to include Iran with the FBI's success in foiling the 2021 kidnapping plot against Alinejad. In his press briefing addressing Iranian transnational repression, Demers emphasized the Justice Department's commitment to protecting dissidents and standing against authoritarian repression, regardless of the regime responsible for it.

During the release of the 2021 Country Reports on Human Rights, then-Secretary of State Antony Blinken highlighted how governments such as China, Russia, and Saudi Arabia now extend their reach beyond national borders to intimidate or eliminate critics.¹³

Blinken reinforced the U.S. commitment to holding these regimes accountable through sanctions, diplomatic pressure, and legal measures designed to protect individuals. His emphasis on transnational repression linked these violations to broader issues of global authoritarianism, positioning the U.S. as a leader in defending human rights and free expression worldwide. Blinken's statement was the most visible part of the Biden administration's "whole-of-government" approach to transnational repression, involving the departments of Homeland Security, Justice, and State, and the FBI, coordinated by the National Security Council.¹⁴

These statements from U.S. officials reflected a growing recognition of transnational repression as a critical threat in an era when the U.S. took

The reasons for this diminished emphasis are unclear, but notably, the U.S. started talking less about transnational repression after Russia invaded Ukraine. Whatever the reason, the executive branch has failed to support or encourage congressional or legislative efforts to curb transnational repression.

steps to publicize the danger and protect individuals seeking refuge. This commitment underscored the U.S. role as a defender of democratic values and its determination to confront regimes that attempt to export repressive practices abroad. Through its efforts across federal agencies, the U.S. sent a clear message: Authoritarian regimes cannot silence their critics on U.S. soil.

The high point of this effort was likely the U.K.'s move – strongly backed after its launch by the U.S. – to suspend Russia from Interpol after its invasion of Ukraine in February 2022.¹⁵ This push illustrates that few policy issues – including transnational repression – stand on their own: Progress in one area often requires a favorable overall policy environment. The effort to suspend Russia would likely not have been made had it not invaded Ukraine – but on the other hand, it was only made because Russia had deservedly earned a reputation as a repressive abuser of Interpol.

Since then, the executive branch's emphasis on opposing transnational repression has become less visible, though policy responses have continued. The Justice Department has continued to file charges – most notably in March 2023, when it charged 40 members of China's national police with targeting U.S. residents¹⁶ – but there has been no follow-up after the initial effort to suspend Russia from Interpol was rejected in March 2022.

U.S. officials have largely stopped making speeches about the issue, and, as explored below, the executive branch's efforts to fulfill the requirements of relevant U.S. law have been lackluster. The reasons for this diminished emphasis are unclear, but notably, the U.S. started talking less about transnational repression after Russia invaded Ukraine. Whatever the reason, the executive branch has failed to support or encourage congressional or legislative efforts to curb transnational repression.

Diplomatic Engagement

The United States is also using diplomacy, both at the executive and legislative levels, to combat the threat of transnational repression. U.S. officials are speaking out and collaborating with global allies to protect the rights of individuals facing persecution. These measures highlight the U.S.'s international commitment to safeguarding human rights and opposing authoritarian overreach. Despite the rhetoric, however, the democracies – including the U.S. – have taken relatively few concrete collaborative measures to deter, punish, and mitigate transnational repression.

Multilateral Diplomacy: A Global Approach

The U.S. has taken an active role in multilateral international forums to bring attention to transnational repression. Within the United Nations, U.S. diplomats have highlighted the threat of transnational repression and affirmed U.S. commitments to support target communities, strengthen information-sharing and coordination against the practice, and raise costs for perpetrators.¹⁷ The U.S. has also used its seat on the U.N. Human Rights Council to call out these abuses and advocate for accountability.¹⁸

A critical aspect of this diplomacy has been U.S. efforts to reform Interpol, the global police organization that authoritarian regimes have misused to target political opponents through its notice systems. At Interpol's General Assembly, U.S. officials have supported greater transparency and stricter safeguards to prevent abuse of this system to track and harass dissidents abroad. Similarly, U.S. engagement with the G7 industrialized nations has encouraged international coordination against transnational repression. The

G7 includes activities relating to transnational repression within its Interior and Security Ministers' Communique and targets threats to freedom of expression through its Rapid Response Mechanism.¹⁹ The G7's mechanism, for its part, includes a dedicated working group on transnational repression designed to raise awareness of the threat at the international level and share best practices on countering it.²⁰

The U.S. has also engaged allies bilaterally. For example, in October 2024, the Justice Department and the U.K. Home Office cohosted a multilateral meeting at the U.S. Embassy in London to address state-sponsored transnational repression and violence.²¹ Cochaired by U.S. Assistant Attorney General Matthew G. Olsen and U.K. Director General for Homeland Security Chloe Squires, the meeting brought together representatives from partner nations' intelligence, law enforcement, and policy organizations to tackle the threats posed by authoritarian regimes.

Cooperation with Europe: Strengthening International Protections

The U.S. Congress has collaborated with its European allies, notably the Council of Europe – which includes 46 states, with the U.S. and Canada as observers – and the Parliamentary Assembly of the Council of Europe (PACE), to address transnational repression. As an observer at PACE, the U.S. engages in dialogues with European nations to coordinate responses to cases like Russia's assassinations of dissidents on European soil.²² The U.S. also supports PACE investigations into Russia's extraterritorial actions and advocates for resolutions to prevent the misuse of international institutions, including Interpol.

Through the U.S. Helsinki Commission, America works with European partners to promote international law enforcement cooperation reforms. The commission, through its members in both the U.S. Senate and House, has consistently called for stricter oversight and stronger protections for individuals targeted by transnational repression.²³

The U.S. has led global efforts to oppose transnational repression, employing an approach that includes diplomatic engagement and international collaboration. The U.S. has sought specifically to reinforce international norms that protect human rights and democratic values. But most if not all of its international actions – like those of its democratic partners – have been verbal, not substantive. There is value in making clear the position of bodies like the Council of Europe and the nations that constitute it. But so far, words have tended to substitute for action, not to lead to it.

The U.S. State Department's Reporting Has Improved

One of the major U.S. initiatives responding to transnational repression has been its annual human rights reports. Under U.S. law, the State Department publishes "Country Reports on Human Rights Practices" annually.²⁴ The reports typically appear in March or April as a retrospective of the previous year. Since 2019, these reports have been the most regular and authoritative U.S. government statements on transnational repression, though notably, the State Department did not start using that term until its 2021 reports, published in 2022.²⁵

The department first added the "Politically Motivated Reprisal Against Individuals Located Outside the Country" category to the 2019 reports.²⁶ This category was included in the 2021, 2022, and 2023 reports. This category was

defined in 2019 as constituting either the attempted misuse of international law enforcement tools (including Interpol) or the “politically motivated efforts by a country to exert bilateral pressure on another country aimed at having that country take adverse action against an individual.”²⁷

While these actions do constitute transnational repression, the department’s definition was limited, ignoring – for example – attempted assassinations of targetted individuals by abusive regimes. Thus, this category was not an adequate assessment of the geographic range and practical scope of transnational repression, and the utility of these reports is limited.

In 2024, the department acknowledged the limitations of prior reports by expanding “Transnational Repression” into a whole section (Section 1. f) and breaking this into “five subsections on politically motivated reprisal against individuals located outside the country” that comprehensively define transnational repression.²⁸

While the reports are a crucial resource, they do not offer an exhaustive list of incidents of transnational repression worldwide. As the preface to the 2023 reports puts it, they draw on “credible, fact-based sources, including reporting from government agencies, nongovernmental organizations, and media.” Transnational repression known to attorneys but not covered in the media, for example, will not be included in the Country Reports. Nor do the reports purport to provide exhaustive coverage: They intend to highlight particularly well-known and well-documented cases, not to describe every case.

Thus, the reports understate the amount and severity of transnational repression and will rarely, if ever, reveal previously unknown abuses. The reports are also not easy to use: They cannot be searched for commonalities across countries or across years. Finally, as the State Department only covers events during a given year, the reports tend to “wipe the slate clean” on abuses that occurred in previous years and remain unresolved.

Nonetheless, the reports are critical in guiding U.S. diplomatic efforts and highlighting the need for stronger international frameworks to combat TNR. The 2023 reports found that 39 out of the 194 countries examined had committed one form or another of transnational repression in 2023. Only one, Côte d’Ivoire, was noted as having reduced involvement in transnational repression.

The forms of abuse committed were:

Form of Abuse	Nations Committed
“Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence”	23 Nations (Eritrea, Eswatini, Rwanda, South Sudan, Burma, Cambodia, China, Laos, North Korea, Vietnam, Azerbaijan, Belarus, Russia, Türkiye, Algeria, Iran, Kuwait, Saudi Arabia, Syria, India, Pakistan, Tajikistan, Turkmenistan)
“Threats, Harassment, Surveillance, and Coercion”	30 Nations (Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Rwanda, South Sudan, Cambodia, China, Laos, North Korea, Azerbaijan, Belarus, Russia, Türkiye, Egypt, Iran, Iraq, Jordan, Morocco, Saudi Arabia, Syria, Bangladesh, India, Kazakhstan, Pakistan, Sri Lanka, Tajikistan, Uzbekistan, Guatemala, Nicaragua)
Misuse of International Law Enforcement Tools	14 Nations (Rwanda, China, Azerbaijan, Belarus, Russia, Türkiye, Egypt, Saudi Arabia, UAE, Bangladesh, Tajikistan, Guatemala, Nicaragua, Venezuela)

2023 Human Rights Report

194	NATIONS EXAMINED
39	NATIONS COMMITTED TNR
20%	OF GOVERNMENTS ENGAGED IN TNR
5	NATIONS COMMITTED ALL FIVE FORMS OF TNR
4	NATIONS COMMITTED 3-4 TYPES OF ABUSE

Efforts to Control Mobility	15 Nations (Burma, Cambodia, China, North Korea, Azerbaijan, Belarus, Russia, Türkiye, Egypt, Saudi Arabia, Syria, Turkmenistan, Uzbekistan, Cuba, Nicaragua)
Bilateral Pressure	12 Nations (Burundi, Rwanda, Burma, Cambodia, China, North Korea, Belarus, Russia, Türkiye, Saudi Arabia, Syria, Bangladesh)

Because the State Department adopted a more comprehensive definition of transnational repression for the 2023 reports, they are not meaningfully comparable to previous years’ reports. However, the fact that the U.S. found that at least 20 percent of the world’s governments engaged in transnational repression in 2023 indicates the pervasiveness of the practice.²⁹

It is noteworthy that the five nations (China, Belarus, Russia, Türkiye, and Saudi Arabia) that committed all five forms of abuse are often regarded as among the most abusive regimes and that the four nations (Rwanda, Cambodia, North Korea, Syria) that committed three or four kinds of abuse are mentioned only somewhat less frequently.³⁰ While there is room for disagreement on the margins, the Country Reports do an excellent job of identifying the countries most deeply involved in transnational repression.

As the U.S. continues to work toward greater accountability on the world stage, these reports, albeit imperfect, will remain a central tool in understanding and publicizing the issue of transnational repression.

Congressional Initiatives on Transnational Repression Have Stalled

The State Department began to focus on transnational repression in 2019 when Congress started to take a sustained interest in the subject. That initially grew out of congressional concern about Interpol abuse, which in turn was spurred significantly by the long-running saga, starting in 2005, of the Russian abuse of the Interpol system to harass him, at first to justify Russia’s financial crimes against he and later to oppose the Magnitsky legislation that Browder promoted in the U.S. and elsewhere.³¹ While Russia’s harassment of Browder could not be considered transnational repression – in that Browder is not a Russian national or refugee – the transition from concern about Russia’s abuse of Interpol to pursue Browder to concern about the broader abuse of Interpol for purposes of transnational repression was both quick and understandable.

While U.S. concern about Russian support for transnational repression has not disappeared, it has been subsumed into a much broader awareness that many regimes – including pre-eminently China, but also Iran, Venezuela, and Türkiye, among others – are engaging in campaigns of transnational repression that are at least as far-reaching and systemic as Russia’s.

Indeed, U.S. concern about transnational repression cannot be separated from the rise of U.S. concerns about China’s behavior more broadly and about the links among China, Russia, Iran, and other repressive regimes that became more obvious in the wake of Russia’s 2022 invasion of Ukraine. But by the same token, the effectiveness and reach of transnational repression worldwide are not constant – autocratic regimes learn from each other and adapt and improve their approaches. So, while U.S. congressional awareness is partly a reflection of broader foreign policy concerns, it is also, like the State Department’s Country Reports, a belated acknowledgment of reality.

The U.S. legislative body that has focused the most regularly on transnational repression is the U.S. Commission on Security and Cooperation in Europe, commonly known as the U.S. Helsinki Commission, which has oversight of human rights within the area of the Helsinki Final Act of 1975 (broadly speaking, Europe and the Soviet empire as it existed in 1975). The commission took a leading role in opposing Russia's attacks on Browder, but its interest eventually broadened into wider concern with transnational repression and, in particular, Interpol abuse. Its 2019 hearing, *Tools Of Transnational Repression: How Autocrats Punish Dissent Overseas*, held in conjunction with the Transnational Repression Accountability and Prevention (TRAP) Act, marked the moment when Congress became regularly seized of these issues.³²

After the TRAP Act did not advance in 2019, its sponsors introduced it again in 2021. Despite Sen. Roger Wicker's championing, the act has yet to be adopted. However, Wicker's efforts cleared the way for some of the act's provisions to be included in the FY2022 National Defense Authorization Act. The NDAA TRAP provisions are considerably weaker than those in the TRAP Act bills.³³ Still, the NDAA's adoption means there is statute on the books opposing transnational repression through Interpol.³⁴

Since its passage, the Justice Department has not abided by its spirit or legal requirements. The NDAA requires that the Justice Department do the following:

- Assess "the adequacy of Interpol mechanisms for challenging abusive requests, as assessment of the CCF's March 2017 Operating Rules, and any shortcomings the United States believes should be addressed." The reports published by the Justice Department do none of these things.
- Provide a "description of any incidents in which the Department of Justice assesses that United States courts and executive department or agencies have relied on Interpol communications. . ." The reports do not do this.
- Provide a "description of how the United States monitors and response to likely instances of abuse of Interpol." The reports provide no information on how abuse affecting people who are not U.S. government officials is detected and combatted.
- Provide a "strategy for improving interagency coordination. . ." The reports make no move toward "improving" coordination.

A central requirement of the NDAA TRAP was that the Justice and State departments publish a biannual assessment of Interpol abuse by member countries. The agencies' three published reports take the position that Interpol abuse has decreased since the organization implemented reforms in 2016 and 2017 and do not provide a list of abusive regimes.

In its own words, the Justice Department refuses to provide such a list on the grounds that "the Department of Justice believes such listings could lead to retaliation against the United States and its international law enforcement efforts and may also diminish the effectiveness of Interpol's law enforcement work with member countries." The department's reasoning amounts to an admitted failure to follow the law.³⁵

Finally, and significantly, the reports also do not recognize that for noncitizens living in the United States, Interpol abuse is most often carried out through deportation or removal proceedings, and not extradition. No credible effort is made in the reports to address this phenomenon, which affects hundreds if not thousands of people living in the United States.

Human rights expert Sophie Richardson, Georgetown University law student Jinrui Zhang, and Hong Kong Democracy Council Executive Director Anna Kwok are sworn in before giving testimony to a U.S. House committee hearing on Dec. 13, 2023, examining transnational repression by the Chinese Communist Party. (Alex Wong / Getty Images)



In the face of these omissions, and spurred on by the wider awareness of transnational repression developed since 2019, Congress returned to the field in 2021, when Rep. John Curtis introduced H.R. 2075,³⁶ the Foreign Advanced Technology Surveillance Accountability Act, which sought to “amend the Foreign Assistance Act of 1961 to require information on the status of excessive surveillance and use of advanced technology to violate privacy and other fundamental human rights be included in the annual Country Reports on Human Rights Practices,” but which failed to advance.³⁷ From 2022, congressional committees held regular hearings on transnational repression, including:

- June 15, 2022, Congressional-Executive Commission on China, “The Threat of Transnational Repression from China and the U.S. Response”³⁸
- March 28, 2023, Congressional-Executive Commission on China, “Preserving Tibet: Combating Cultural Erasure, Forced Assimilation, and Transnational Repression”³⁹
- May 10, 2023, U.S. Commission on International Religious Freedom, “Transnational Repression of Freedom of Religion or Belief”⁴⁰
- September 12, 2023, Congressional-Executive Commission on China, “Countering China’s Global Transnational Repression Campaign”⁴¹
- October 25, 2023, House Committee on Homeland Security, “An Examination of the Iranian Regime’s Threats to Homeland Security,”⁴²
- December 6, 2023, Senate Foreign Relations Committee, “Transnational Repression: Authoritarians Targeting Dissidents Abroad”⁴³
- December 13, 2023, Select Committee on the CCP, “CCP Transnational Repression: The Party’s Effort to Silence and Coerce Critics Overseas”⁴⁴
- January 17, 2024, House Committee on Homeland Security, “Safeguarding Dissident Voices: Addressing Transnational Repression Threats to Homeland Security”⁴⁵
- February 15, 2024, Tom Lantos Human Rights Commission, “Transnational Repression and the U.S. Response”⁴⁶

A Government Accountability Office (GAO) report, “Agency Actions Needed to Address Harassment of Dissidents and Other Tactics of Transnational Repression in the U.S.,” published in October 2023, was the product of a request by Democratic lawmakers who wished to use transnational repression as an issue to change U.S. arms export control policy.⁴⁷ The result was that

three of the five conclusions in the GAO report focused on U.S. conventional arms export control policy, though it did include a recommendation that the Justice Department “enhance understanding of transnational repression among federal agencies and state and local law enforcement agencies, such as by establishing a formal interagency definition of transnational repression.”

Democrats also backed the Stop Transnational Repression Act, introduced on Dec. 7, 2022, and re-introduced on Oct. 6, 2023.⁴⁸ The Transnational Repression Policy Act, introduced as H.R. 3654 and S. 831, which enjoyed bipartisan support, did not move beyond the committee stage.⁴⁹ Finally, in late 2024, Rep. Adam Schiff introduced the bipartisan Transnational Repression Reporting Act of 2024, which would require the attorney general, in coordination with other relevant federal agencies, to submit a report of cases of transnational repression against U.S. citizens or people in the United States.⁵⁰

As a result, the most active legislative venue in 2024 (apart from the questions asked during other hearings, such as that by Merkley of Wray during a Senate Appropriations Committee hearing on June 4, 2024)⁵¹ has been the House Homeland Security Subcommittee on Counterterrorism, Law Enforcement, and Intelligence.

In late February 2024, the subcommittee held a public markup on H.R. 7443, the Combating Transnational Repression Act of 2024, to authorize a dedicated transnational repression office within the Department of Homeland Security (DHS) and to create a transnational repression hotline. The subcommittee also marked up H.R. 7439, the Strengthening State and Local Efforts to Combat Transnational Repression Act, which would require the Homeland Security secretary to prioritize strengthening state and local law enforcement capabilities to combat transnational repression. These measures have moved no further so far.

What is most striking about Congress’ response to transnational repression is that it has received virtually no backing from the executive branch. The one measure that has become law – the NDAA TRAP provisions – came as a part of a “must-pass” piece of annual legislation. The Justice Department substantially weakened the provisions before passage and substantively ignored them after it became law. The executive branch has been willing to report through the State Department’s Country Reports and, as discussed below, to speak and act through the Justice Department. But it has resisted all attempts to compel it to undertake particular actions.

As is often the case, the executive branch wants to preserve its freedom to act as it sees fit and to trade off transnational repression against many other policy concerns. In contrast, Congress seeks to bind the executive branch. When coupled with a Congress that is bitterly divided, the result has been a legislative agenda that has demonstrated sustained and serious interest in transnational repression – especially since 2019 – but has not so far been able to pass effective legislation.

U.S. Law Enforcement Has Regularly Brought Charges in Relevant Cases

U.S. law enforcement has played an energetic and constructive role since 2017 in exposing transnational repression in the United States, preventing foreign regimes from carrying out kidnappings and assassinations, seeking to deter and punish surveillance and harassment, and taking strong positions on the illegality of such actions.

The Department of Justice has brought a number of significant cases, including:

Iranian Plot to Kidnap Masih Alinejad (2021–2023)⁵²

Details	Court Proceedings
Iranian agents plotted to kidnap the U.S.-based journalist and activist and transport her to Tehran. The operation involved extensive surveillance and coordination, and in July 2022, Iranian agents hired Brooklyn-based gang members to assassinate Alinejad.	Charges were brought against Iranian nationals and collaborators under laws targeting foreign-directed conspiracies and attempted kidnapping. Indictments were unsealed in 2021 and updated in 2023.

Operation Fox Hunt Cases (China)⁵³

Details	Court Proceedings
Chinese agents targeted dissidents, including Uyghurs and pro-democracy activists, under the guise of repatriating corrupt officials. These operations involve harassment, coercion, and threats against individuals and their families.	In 2020, federal prosecutors charged eight individuals, including U.S.-based operatives, for their roles in harassment and surveillance campaigns.

Russian Assassination Plots and Surveillance⁵⁴

Details	Court Proceedings
Russian operatives targeted political exiles and dissidents with threats and attempted poisonings, with some activities extending into U.S. borders.	While high-profile poisonings like Navalny's occurred overseas, U.S. authorities have investigated related Russian activities with ongoing surveillance concerns highlighted in court proceedings.

Chinese Dissident Surveillance Cases (2019–Present)⁵⁵

Details	Court Proceedings
The Chinese government has been accused of threatening and surveilling activists in the U.S. to silence criticism of its policies in Xinjiang.	Several indictments have been issued for Chinese agents attempting to coerce or intimidate activists in the United States. The most prominent case has been charges in 2023 against 40 Chinese police officers related to transnational repression.

Turkish Targeting of Gulen Movement Members (2017–Present)⁵⁶

Details	Court Proceedings
Türkiye has pursued members of the Gulen movement globally, including individuals in the U.S., using Interpol notices and direct intimidation.	Related cases have been brought against individuals accused of illegal activities on behalf of Türkiye, with courts evaluating the misuse of Interpol systems.

Indian Plot to Assassinate Khalistan Activist in the United States (2023)⁵⁷

Details	Court Proceedings
Vikash Yadav, a former Indian intelligence officer, has been charged by the Justice Department with masterminding a plot to assassinate Gurbatwant Singh Pannun, a U.S.-Canadian citizen and vocal advocate for Khalistan, a proposed independent Sikh state in India.	Charges against Yadav include murder-for-hire and money laundering. This marks the first U.S. indictment directly implicating the Indian government in an assassination plot. The case remains ongoing, with the U.S. seeking Yadav's extradition from India.

It would be logical, as well as pathbreaking, to create such a definition and to punish offenses under it particularly seriously, for transnational repression, by definition, involves acting as the agent of a foreign regime against individuals inside the United States.

These cases demonstrate the willingness of U.S. prosecutors to pursue complex cases of transnational repression and highlight how U.S. law enforcement and judicial systems handle violations of sovereignty and human rights by foreign regimes.⁵⁸ Common charges include:

- Conspiracy to commit kidnapping or assassination.
- Acting as an unregistered agent of a foreign government.
- Harassment and intimidation under cyberstalking and wire fraud statutes.
- Assault.

It is notable that because the United States does not define transnational repression in law, U.S. authorities must rely on other charges in these cases. The U.S. is hardly alone in lacking a legal definition of transnational repression – no other country has such a definition. It would be logical, as well as pathbreaking, to create such a definition and to punish offenses under it particularly seriously, for transnational repression, by definition, involves acting as the agent of a foreign regime against individuals inside the United States.

The Legal Significance of Interpol Red Notices in the U.S. Has Evolved

While the cases the U.S. has brought against foreign perpetrators of transnational repression inside the U.S. are essential, the arrests that the U.S. has made based on abusive requests from foreign regimes through Interpol are more significant. The U.S. can seek to deter and punish acts of transnational repression committed by foreign powers on its soil. Still, it cannot realistically hope to stop transnational repression inside the U.S. entirely. But it can and should at least ensure that its own police and judicial systems are not complicit in transnational repression.

Much of the “misuse of international legal instruments” that contributes to transnational repression happens through Interpol, and most of the misuse of Interpol in the United States affects the lives of victims through the actions of U.S. Immigration and Customs Enforcement (ICE).⁵⁹ ICE is involved because the victims are almost always non-U.S. citizens, as U.S. citizens are rarely targeted through Interpol when they are in the United States.

The United States does not consider a Red Notice, which asks that a subject be located and detained, to be a sufficient basis for an arrest because it does not meet the requirements for arrest under the Fourth Amendment.⁶⁰ Instead, the United States treats a foreign-issued Red Notice only as a formalized request by the issuing law enforcement authority to “be on the lookout” for the fugitive in question and to advise if they are located.⁶¹

While a Red Notice cannot be the sole basis for arresting or extraditing an individual, and while there is no inadmissibility or deportability ground for noncitizens specific to Red Notices in the Immigration and Nationality Act (INA), ICE officers have broad discretion to arrest noncitizens found in the United States.⁶² Most of the relevant cases discussing the immigration consequences of a Red Notice involve a noncitizen respondent who has been arrested and who was likely targeted by ICE due to the Red Notice. Upon arrest, especially if there is no foreign conviction linking the target of the Red Notice to a more specific criminal inadmissibility or deportability ground, the individual is commonly charged with an immigration violation.⁶³ This can occur even if the person is in a lawful period of authorized stay (for example, if they have a pending asylum application).

The development of law in Interpol-related cases over the past half-decade has substantially centered around applying the serious, nonpolitical crime (SNPC) bar to asylum and withholding of removal. The INA bars an applicant from obtaining these forms of relief when “there are serious reasons” to believe that they “committed a serious nonpolitical crime” before arriving in the United States.⁶⁴

Most circuit courts have interpreted the INA’s “serious reason for believing” standard as equivalent to probable cause.⁶⁵ Under this standard, a court need not find proof that the noncitizen committed the alleged crime, only that there is probable cause “for believing that the alien has committed a serious nonpolitical crime,” thereby shifting the burden of proof to the subject of the arrest to prove beyond a reasonable doubt that they did not commit the crime in question.⁶⁶

Most circuits have found that a Red Notice alone may not establish the requisite probable cause to meet DHS’s burden under the serious non-political crime bar. For example, in *Gonzalez Castillo v. Garland*, a 2022 Ninth Circuit case, the DHS presented a Red Notice as the sole evidence that a noncitizen had committed a serious nonpolitical crime in El Salvador, barring him from asylum.⁶⁷ Critically, to the court, at least, there was no underlying arrest warrant in the evidentiary record.⁶⁸ While the court declined to adopt a per se rule that Red Notices alone are never sufficient to warrant the application of the SNPC bar, it did find that the particular Red Notice at issue failed to establish probable cause “both because of the contents of the particular Red Notice and because of the features of Red Notices generally.”⁶⁹

Despite some more-favorable circuit court decisions, ICE may continue to argue, under the decision by the Board of Immigration Appeals (BIA) in the *Matter of W-E-R-B-*, that all the government needs to show that it has met its burden under the bar is “some evidence” that the bar might apply.⁷⁰ Again, numerous courts have squarely rejected the board’s reasoning based on a reading of the burden-shifting statute, which requires the government to present more than just the Red Notice to meet the applicable evidentiary standard.⁷¹

Apart from the issue of removability, a Red Notice can also affect whether the named individual is deemed a flight risk and, therefore, is eligible for bond. Interpol states that a Red Notice is important partly because “[c]riminals and suspects are flagged to border officials, making travel difficult.”⁷² Yet the position of U.S. courts on flight risk has evolved, with the decision in *Kharis v. Sessions* allowing reliance on a Red Notice but finding for respondent because of ICE’s failure to “grapple with a substantial, well-supported argument that Kharis’s Red Notice was at most minimally probative as to whether he was a flight risk,” to *Malam v. Adducci*, where the court concluded that a Red Notice the diminished respondent’s flight risk.

In general, U.S. courts have responded to the BIA’s 2020 decision in the *Matter of W-E-R-B-* by reiterating that a Red Notice does not on its own establish removability or deportability from the United States. However, this does not mean that Red Notices (or other Interpol communications) do not contribute to transnational repression in the United States. In fact, today’s reality shows the opposite: Foreign repressive regimes can accomplish the otherwise unlawful arrest and detention of political enemies more easily in the United States through the immigration system than they sometimes can in their own countries.

Arrests and detentions, sometimes lengthy, have often resulted from ICE decisions to target individuals based on abusive Red Notices, and it remains

In short, Red Notices (and other abusive Interpol communications) often pave the way for transnational repression inside the United States despite the decisions of U.S. courts and despite the fact that the U.S. Department of Justice has largely disavowed their evidentiary weight.

uncertain whether new ICE guidelines, further discussed below, will reduce the agency's propensity to use Red Notices as targeting prompts. As of the time of this writing, the authors are aware of a recent enforcement action in Miami, Florida, where ICE agents arrested a Venezuelan corporate official with a demonstrably bogus Red Notice from Venezuela. ICE multiple times denied bond despite the fact that the Red Notice is being challenged before Interpol and despite the fact that the individual has a bona fide pending asylum claim. The immigration judge did the same.

Even the fear of arrest, the restrictions on mobility, or the repercussions in the banking system that a Red Notice creates can easily have a repressive effect. Finally, there is nothing to stop an abusive regime from following up an abusive Red Notice with a phony arrest warrant. While the U.S. system would probably not remove an individual based on the Red Notice alone, the existence of a foreign arrest warrant would place the targeted individual in considerably greater jeopardy.

In short, Red Notices (and other abusive Interpol communications) often pave the way for transnational repression inside the United States despite the decisions of U.S. courts and despite the fact that the U.S. Department of Justice has largely disavowed their evidentiary weight. A Red Notice is a threat, and while U.S. courts have defined the legal status of a Red Notice in the U.S., the courts' decisions have not eliminated that threat's repressive effects.

ICE Has Reformed Its Reliance on Interpol Red Notices

Because so much of the "misuse of international legal instruments" that contributes to transnational repression happens as a result of requests made through Interpol that result in ICE arrests, the quickest way to reduce the contribution of Interpol abuse to transnational repression inside the United States is to reduce ICE's willingness to use abusive Interpol communications to initiate or justify removal proceedings.

While every case is different, before 2023, ICE attorneys often presented Interpol Red Notices (and other Interpol communications) as reliable proof that the person ICE was attempting to remove from the U.S. or who was seeking asylum had been credibly charged with a severe nonpolitical offense. Immigration judges frequently accepted these contentions and, on occasion, treated a Red Notice as a reason to consider an individual as a flight risk and deny bond.

But on Sept. 29, 2023, ICE announced new agencywide guidance on using Interpol Red Notices and Wanted Person Diffusions (WPD) codified in ICE Directive 15006.1.⁷³ This directive was foreshadowed in the GAO's Oct. 3, 2023, report "Human Rights: Agency Actions Needed to Address Harassment of Dissidents and Other Tactics of Transnational Repression in the U.S.," and the guidance states that it is part of the DHS's "broader efforts to combat transnational repression by helping ensure that Red Notices and Wanted Person Diffusions are issued for legitimate law enforcement purposes and comply with governing rules."⁷⁴

The directive requires ICE personnel, among other things, to:

- Conduct a preliminary review for indications of abuse or noncompliance with Interpol's rules;
- Obtain supervisory approval to act on a Red Notice or WPD;

- Request associated underlying documentation via the U.S. National Central Bureau;
- Request use authorization via the NCB if ICE intends to use a Red Notice or WPD in immigration proceedings;
- Provide the named individual with the relevant underlying documentation and provide them “with a meaningful opportunity to contest it or its contents;”
- Not imply that a Red Notice or WPD is an arrest warrant, conveys independent legal authority, or represents an independent judgment by Interpol concerning the probable cause or the validity of the underlying criminal proceedings.

The guidelines do have weaknesses. ICE personnel cannot be expected to be experts on Interpol’s rules; the politics, taxation systems, and legal systems of abusive foreign regimes; or the details of controversial business transactions, and as such, it is difficult to know they can be expected to conduct a meaningful “preliminary review” for abuse.

The guidelines do not apply to ongoing proceedings or to Interpol Blue Notices, which seek information on an individual’s whereabouts or activities. They commit to allowing a “meaningful opportunity” to contest Interpol communications but do not commit to providing the communication – only the “underlying documentation.” Nor do the guidelines commit ICE to reporting publicly information on its use of Red Notices and other Interpol communications – indeed, the directive’s requirement that ICE personnel “not explicitly reference the Red Notice or Wanted Person Diffusion” during enforcement actions could reduce the amount of publicly available information on ICE’s reliance on Red Notices.

It is unclear how fully agents follow the directive. Still, while the guidelines are neither perfect nor fully explained, they do represent a significant departure from past ICE practices and a recognition that U.S. interests are not served by wasting time and resources pursuing cases started by an Interpol communication that is, in fact, nothing more than an effort at transnational repression.

Recommendations for Further Reform



Plainclothes ICE officers detain an immigrant leaving a scheduled court appearance in New York City on June 4, 2025. (Andrew Lichtenstein/Corbis via Getty Images)

While the U.S. has made strides in addressing transnational repression through executive branch action, legislation, diplomatic engagement, and law enforcement actions, its response can and should be improved.

The most significant failure in this U.S. response is the on-again, off-again nature of public executive branch leadership and its failure to involve Congress. From mid-2020 to early 2022, the executive branch was publicly seized on the issue. Secretaries of state made high-profile interventions, the director of the FBI spoke publicly about the issue, and the State Department began its annual reporting.

However, since 2022, the executive branch has said far less. U.S. policy responses have not stopped – the Justice Department continues to bring cases, ICE released its 2023 guidelines, and the State Department further improved its reporting in 2024. However, fewer senior leaders are now speaking on the issue. Congress has, therefore, taken over leadership on the issue, holding hearings and proposing legislation – but so far, without effect, as collaboration from the executive branch has been lacking.

The reasons for the conduct of the executive branch need to be clarified. It is not realistic to expect presidents to speak out regularly against transnational repression, as demands on presidential time are infinite. But it is realistic to ask administrations to take a more consistent public line and to accept that while the executive branch has the lead on foreign policy, many aspects of enacting that policy – especially when, as with transnational repression, they involve crimes committed in the United States – will require congressional involvement. So far, the executive branch has largely refused to accept this.

Though well-intentioned, calls for Congress to mandate that the administration develop a strategy to oppose transnational repression are misguided. Congressional mandates for strategy development are numerous, but in the absence of a genuine executive branch desire to act on congressional mandates, time spent developing a strategy too often substitutes for results.

Instead of focusing on demanding a strategy mandated by Congress, reformers should recognize that there are two primary pathways through which transnational repression can reach inside the United States or affect U.S. agencies: the U.S. visa, immigration, and law enforcement systems, and foreign actors inside or outside the United States. Concrete recommendations for reform should address both of these pathways.

Recommendations for the Executive Branch

- Work with Congress. The most significant failure in the U.S. response to transnational repression has been the executive branch's lack of collaboration with Congress. The U.S. system is indeed based on the separation of powers, but the executive branch cannot effectively cope with transnational repression on its own.
- Support enhanced training. Key agencies, including the departments of State, Justice, and Homeland Security and its subagencies, should create or enhance mandatory training on the origins, purposes, methods, victims of, Interpol aspects of, and legal remedies for transnational repression.
- Enhance public reporting. Regularly report to Congress on the number, location, and outcome of Interpol cases circulating in databases at the State, Justice, and Homeland Security departments.

- Improve ICE disclosure. ICE should be required to disclose promptly to respondents whenever an Interpol communication played a role in an enforcement action.
- Improve ICE review procedures. ICE should be required to present an Interpol communication to the State Department's Bureau of Democracy, Human Rights, and Labor for review before initiating or guiding an enforcement action.
- Improve interagency communication. Mandate regular interagency communication between the State and Justice departments and the various Homeland Security subagencies to monitor and report on Interpol Red Notice cases.
- Fulfill the legal requirements of the 2022 NDAA TRAP provisions. The executive branch should commit to comprehensive reporting under the 2022 NDAA TRAP provisions.
- Improve State Department reporting. Reshape Country Reports to enhance searches across countries and years, and draw on data from the Justice Department and other public sources to create a new subsection on regimes that engage in transnational repression inside the United States.
- Reform the NCB. Create a position for a public ombudsman in the NCB charged with collecting evidence of Interpol abuse and protesting cases of abuse to Interpol.
- Reform visa cancellations and revocations. Adopt a policy that prevents consular officers from revoking visas based solely on a Red Notice or other Interpol communication.

Recommendations for Congress

Congress has played a constructive role by holding regular hearings and advancing legislation on transnational repression. Particularly notable and welcome is that opposing transnational repression has not acquired a partisan coloring, with Democrats and Republicans taking a substantially equal role in opposing it. Democrats, true, have tended shown some inclination to tie transnational repression to restricting U.S. arms sales. At the same time, Republicans – as shown by the steps announced by Secretary of State Marco Rubio on March 14, 2025 – have focused on China.⁷⁵ Still, both parties have worked to shed light on the problem through the Helsinki Commission and other venues.

But this congressional focus has not so far resulted in successful legislation beyond the weakened TRAP provisions in the 2022 NDAA. Congress should continue to build awareness of the issue and advance a legislative agenda.

- Press administrations to fulfill the legal requirements of the TRAP provisions. The consequences of executive branch inaction on the TRAP provisions will only encourage repressive regimes to continue their activities.⁷⁶
- Develop a definition of transnational repression in U.S. law. A legal definition of transnational repression is necessary for a whole-of-government approach to opposing it to have any basis.
- Mandate further improvements in State Department reporting. Congress should require the inclusion of technological surveillance in annual Country Reports.
- Update the Foreign Agent Registration Act. Transnational repression is often undertaken by individuals acting as foreign government agents, but

current law does not apply to the activities of foreign agents engaged in repressive practices on U.S. soil.

- Adopt appropriate legislation. The Transnational Repression Policy Act, introduced in 2023, made little legislative headway. It would have mandated sanctions on regimes that practice transnational repression and the development of a national strategy against and training on transnational repression. While congressionally mandated strategies are often unsuccessful and undesirable, the legislation was broadly well conceived and should be further developed and reintroduced, as should the Transnational Repression Reporting Act of 2024.

Recommendations for Law Enforcement

- Enhance outreach to diaspora communities. In August 2021, the FBI published an unclassified counterintelligence bulletin on the threat to Uyghurs in the U.S. from China.⁷⁷ In 2023, the National Counterintelligence and Security Center and the FBI published multilingual brochures entitled “Don’t Be A Pawn of Repressive Foreign Governments.”⁷⁸ These efforts should be continued, with enhanced emphasis on involving state and local law enforcement, technology companies, and civil society.
- Enhance interaction with policy and legal communities. U.S. law enforcement should create a public forum incorporating policy and legal communities focused on the issue of transnational repression as well as state and local law enforcement to share lessons learned and on-the-ground experiences of how the U.S. system reacts to and can be hardened against transnational repression.

Recommendations for Diplomacy

Many desirable reforms that the U.S. should advance in the international realm pertain to the operation of its consular and visa systems. They are under its exclusive control and thus are not strictly diplomatic matters. Moreover, it is unlikely that worldwide multilateral organizations (in particular, the U.N. system) would take useful steps against transnational repression because these organizations include all the significant repressive regimes.

The U.S. should focus on regional organizations with democratic memberships and Interpol. Regional organizations can work to build resistance against transnational repression, while Interpol is the single most important international organization that repressive regimes seek to manipulate to achieve their ends. While there is value in making statements in regional or even worldwide multilateral organizations opposing transnational repression, it would be best to accompany these speeches with clearly relevant actions.

- Preserve the freedom of movement. One tactic of transnational repression is to make it difficult for targets to travel, thereby pinning the victim in place and making it easier to apply other repressive measures. The U.S. and other democracies should cooperate to create mechanisms to combat these tactics.
- Support the simultaneous imposition of sanctions. The U.S. has the mechanism of the Global Magnitsky Human Rights Accountability Act, as do some other nations. The U.S. should support the creation of similar mechanisms in other democracies and coordinate the application of sanctions for acts of transnational repression with like-minded countries.
- Support the creation of a compensation mechanism. Under U.S. law, it is possible to pursue a private cause of action against terrorism and its state sponsors. The U.S. and like-minded countries should change their laws

to allow similar causes of action against state sponsors of transnational repression, with damages to be awarded exclusively from the assets of the oppressing regime.

- Develop a democratic caucus in Interpol. The U.S. should work with like-minded nations to support reforms and candidates in Interpol that will reduce the ability of repressive regimes to manipulate its systems.
- Promote better information sharing. While a good deal of information sharing is undoubtedly happening behind the scenes between governments, the existing working group in the G7 is a subgroup of an obscure mechanism, and there are clear limits to even valuable bilateral relationships. The Parliamentary Assembly of the Council of Europe, in which the U.S. Helsinki Commission has taken a leading role, is well positioned to fill the gap in public information sharing with regular reporting on threats and responses.

Recommendations for Further Research

Freedom House's research project on transnational repression has published a series of well-regarded and essential papers.⁷⁹ But there are opportunities for further research on the phenomenon:

- Digital tools. Transnational repression is often enabled or made possible by technology, but there has been little research on how digital tools and social media platforms facilitate the targeting of dissidents living abroad.
- Informal networks. Authoritarian regimes do not work solely through formal agents and employ informal networks to conduct repression beyond their borders. These pathways should be further analyzed.
- National responses. In addition to this large-scale survey of U.S. policy responses to transnational repression, a similar analysis of policy responses in Europe should be conducted.
- Interpol. The mechanisms in Interpol that are abused, how these can be reformed, and how Interpol works in democratic nations worldwide should be studied.
- The effect of diplomacy. More research is needed on how other countries respond to U.S. diplomatic efforts to combat these practices, particularly in regions with solid authoritarian influence.
- The U.S. system. This survey of U.S. policy responses should be regularly updated to track how the U.S. system continues to respond to transnational repression and make further recommendations for reform.

Conclusion

Transnational repression in the United States presents an unusual problem. While its effects occur domestically, the U.S. system approaches it as it would a foreign policy issue with the executive branch taking the lead. While the threat originates from foreign regimes and is enabled by international organizations such as Interpol, it reaches inside the U.S. in ways that U.S. law enforcement must combat and the U.S. immigration system must resist. This means that Congress, as well as the executive branch, need to be involved in the U.S. response to it.

Until now, the executive branch, centrally responsible for U.S. foreign policy, has dominated the response. However, there is enough work for the White House and Congress to both respond to this challenge. Still, the fact that the U.S.

does not have a definition in law of transnational repression illustrates how the executive branch has tended to keep the problem within its own policy sphere.

This is not simply the executive branch's fault: Partisan divisions in Congress have significantly reduced its ability to enact more than “must-pass” legislation such as the annual National Defense Authorization Act – and it is notable that the only provision in U.S. law regarding transnational repression was passed as part of an NDAA measure. Absent significant congressional action, U.S. policy on transnational repression will inevitably be dominated by the executive branch, to the detriment of the long-run effectiveness of that response.

Even so, the U.S. has likely responded more effectively to transnational repression than any other country and has certainly been more comprehensive in its response. However, critical gaps remain. Strengthening policy and legal frameworks, improving law enforcement and international cooperation, and expanding research on emerging repression tactics are essential steps in ensuring the safety of dissidents on American soil and beyond.

AUTHORS



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Sandra Grossman, founding partner at Grossman Young & Hammond, is a skilled practitioner with nearly two decades of experience in a broad range of immigration and human rights matters. Sandra has developed a unique practice representing and supporting clients before Interpol. In 2019 and 2024, Sandra testified before a bipartisan Congressional committee (the “Helsinki Commission”) as a national authority on how to curb abuse of Interpol by autocratic nations. Washingtonian magazine has repeatedly recognized Grossman as one of “Washington’s Top Lawyers.” She is an active member of the American Immigration Lawyers Association (AILA) and serves on AILA’s State Department Liaison Committee. In 2022, AILA awarded Grossman the Edith Lowenstein Memorial Award for Excellence in Advancing the Practice of Immigration Law. She has authored numerous articles for AILA and is a frequent speaker on consular issues and waivers. Grossman continues to assist applicants with visa applications and managing the consequences of Interpol notices at U.S. consular posts worldwide.



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