

HOW IS THE GOVERNMENT RESTRICTING DONATIONS?

Since 9/11 and the passage of the PATRIOT Act, the federal government designates foreign groups or individuals as terrorists and can punish anyone who offers them material support.

What is material support?

- Material support includes: money; financial services; lodging; training; advice or assistance; false documentation or identification; communications equipment; facilities; weapons; lethal substances; explosives; personnel; transportation; and other physical assets, except medicine or religious materials.

What is a Designated Foreign Terrorist Organization (FTO)?

- An organization is so designated when the Secretary of State determines that it has carried out or planned to carry out a terrorist attack.
- It is important to verify whether the charitable organization or any of its affiliates or subcontractors are listed as a foreign terrorist organization, or if it has been notified by the government that it is under active investigation by law enforcement. You can contact CLEAR or an attorney if you need assistance with this research.
- A list of FTOs can be found online at: <http://www.state.gov/s/ct/rls/other/des/123085.htm>

WHAT ARE THE IMMIGRATION CONSEQUENCES OF YOUR CHARITABLE GIVING?

Non-citizens can be *denied entry* into the U.S. or *deported* if they have committed an act that they know or reasonably should know provides material support for any of the following:

- The commission of a terrorist activity;
- Any individual who they know or reasonably should know has committed or plans to commit a terrorist activity; or
- A terrorist organization (designated or not) unless the actor can demonstrate that he or she did not know and should not reasonably have known that the organization was a terrorist organization.

HOW CAN YOU PROTECT YOURSELF WHEN CHOOSING A CHARITY?

Restrictions apply to all donations: past, present, and future. Even donations to an organization that was not designated as an FTO at the time the donation was made can raise concerns with the government if the organization is later designated as an FTO.

For this reason, charitable donations should be considered carefully.

What should you consider when choosing a charity?

It is safest to donate to organizations registered in the U.S. that have been granted 501(c)(3) tax-exempt status.

- Keep in mind that Masjids are automatically 501(c)(3) as long as they are incorporated as a religious institution.
 - To determine if the organization is a U.S.-registered tax-exempt charity,
 - Ask the organization,
 - Visit its website, or
 - Go to www.guidestar.org, for a database of IRS-recognized charities.
 - To learn more about a charity and its business practices, you can review the organization's annual report, IRS form 990, financial statements, and audit reports. Organizations typically make this information available on their websites.
 - If the organization is not registered as a U.S. tax-exempt charity, determine whether the organization is registered in the country in which it works.
- There are extra precautions that you should take if you decide to donate to an organization abroad.
- Research whether the organization participates in any activities that the U.S. government would consider terrorism-related. Consider searching for the organization's website or reading any other publicly available information it provides.

PRECAUTIONS TO TAKE WHEN DONATING

After carefully choosing an organization, there are certain things that you can do to protect yourself if your donation is scrutinized by the government.

- When making a charitable contribution, you should make your intention to support a specific humanitarian effort or program clear by indicating in writing.
 - For example, make a notation on the memo line of the check that the donation is intended for disaster relief.
- Keep records of the following:
 - The check, bank statement, or other written documentation of the charitable contribution (try not to give cash).
 - Written information from the charitable organization about the program or project.
 - A receipt or acknowledgement of the donation from the charitable organization.
- Wire transfers to accounts overseas are subject to increased scrutiny. Before transferring money, you should verify that the receiving bank is a legitimate bank that is not on a sanctions list. One way to check if the bank is on a sanctions list is to look at the following website:
 - <http://www.ustreas.gov/offices/enforcement/ofac/sdn/ctrylst.txt>
- If a government official begins to ask you questions, find out the purpose of their visit. Say politely and firmly, “May I please have your business card? My attorney will follow up with you.” Do not answer any other questions.

LEGAL RESOURCES

If you need legal assistance or advice, you can contact a lawyer or one of the following organizations that provide free legal services:

CLEAR
cunyclear@mail.law.cuny.edu
(718) 340-4558

Council on American-Islamic Relations
(CAIR)
(212) 870-2002

Muslim Bar Association of New York
(MuBANY)
www.muslimbarny.org

Association of Muslim American Lawyers
(AMAL)
www.theamal.org

KNOW YOUR RIGHTS:

CHARITABLE GIVING

In recent years, government monitoring of donations has impacted charitable giving. This pamphlet provides information on how to give to charity lawfully and safely.

Presented By:



CITY UNIVERSITY OF NEW YORK – SCHOOL OF LAW

SUPERVISING ATTORNEYS

RAMZI KASSEM NICOLE SMITH LILIANA YANEZ

CLEAR SERVICES ARE PROVIDED FREE OF CHARGE
FOR MORE INFORMATION OR TO REQUEST SUPPORT:
(718) 340-4558 | cunyclear@mail.law.cuny.edu
www.law.cuny.edu/cunyclear