



FOLEY
FOUNDATION

BRINGING AMERICANS HOME

RESEARCH SERIES

**A NON-GOVERNMENTAL
ASSESSMENT OF
U.S. HOSTAGE POLICY
AND FAMILY ENGAGEMENT**

By **Elizabeth Richards**
Foreword by **Roger Carstens**

2025



ABOUT THE JAMES W. FOLEY LEGACY FOUNDATION

The James W. Foley Legacy Foundation (Foley Foundation) was established less than three weeks after the brutal murder of conflict journalist and humanitarian James “Jim” Foley by ISIS in August 2014.

With the firm conviction that the United States must prioritize the freedom of Americans unjustly held captive abroad over other policy considerations, the Foley Foundation successfully advocated for and was a key participant in a 2015 review of the effectiveness of the U.S. government’s policy on the hostage-taking of Americans internationally. Recommendations from the review led to the creation by executive order of the principal elements of today’s U.S. government “hostage enterprise” including the Special Presidential Envoy for Hostage Affairs, the Hostage Recovery Fusion Cell, the Issue Manager for Detainee and Hostage Affairs at the Office of the Director of National Intelligence, and the Hostage Response Group at the National Security Council. This structure was later codified into law by the 2020 Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. Since its creation in 2015, the hostage enterprise has secured the freedom of over 170 Americans held hostage abroad.

The Foley Foundation connects families of those held hostage or wrongfully detained with the resources needed to endure their loved one’s captivity, and it supports these families’ advocacy efforts to secure their freedom. Reports in the Bringing Americans Home research series have been a critical tool for educating policymakers and the public as to the nature of this national security threat. These reports identify and recommend reforms needed to speed the return of Americans held captive abroad and to deter and prevent future hostage-taking.

Learn more at www.jamesfoleyfoundation.org, by viewing the documentary, *Jim: The James Foley Story*, and by reading *American Mother* by Colum McCann with Diane Foley.

OUR MISSION

To advocate for American hostages and wrongful detainees held abroad and promote journalist safety.

OUR VALUES

Moral Courage

Inspired by Jim Foley, we seek to encourage and empower all to act with moral conviction - one person at a time for the good of others.

Justice

We are committed to resolving the injustice of hostage-taking through research that shapes policies to deter captors and hold them accountable.

Compassion

We empathize with and help hostage families confidentially: listening, identifying the resources they need and the obstacles they face, while advocating for their loved ones' swift return.

ABOUT THE AUTHOR

Elizabeth Richards is the Director of Hostage Advocacy and Research at the James W. Foley Legacy Foundation. Liz is a United States Air Force veteran who served as the Hostage Mission Manager at Fort Meade, Maryland. In this role, Liz led a team focused on hostage recovery, resolving 18 cases of captivity around the world and rescuing 30 civilians.

As an adjunct university professor, she taught behavioral statistics and research methods. While in the role of private sector research associate, Liz applied her background in clinical psychology to conduct qualitative research projects. She also volunteers as an advocate for the health and empowerment of women and girls.

The Foley Foundation offers its special thanks to our Spring and Summer 2025 research interns, whose contributions helped produce a more well-rounded and timely final report.

- **Grace O'Donnell (Marquette University)** — Authored the section on the lack of transparency, edited the report, and prepared appendix tables.
- **Madeline Robbins (University College London)** — Authored the section on financial burden, updated all citations throughout the report, and proofread the final paper.
- **Harrington Mirkow (Marquette University)** — Assisted with data collection and preparation, and authored the overview of the U.S. hostage enterprise.
- **Hamilton Mirkow (Temple University)** — Authored the section on exit bans.

A NOTE FROM THE PRESIDENT AND FOUNDER

Dear fellow Americans,

Since 2015, the United States has shown moral courage by prioritizing the safe return of U.S. nationals unjustly held captive by foreign actors simply for being American. The James W. Foley Legacy Foundation applauds this progress.

This past June, we commemorated the tenth anniversary of Presidential Policy Directive-30, which created the U.S. hostage recovery enterprise. Since then, more than 170 Americans have been freed—a legacy born of the sacrifice of many brave Americans including Robert Levinson, James Foley, Luke Somers, Steven Sotloff, Kayla Mueller, Peter Kassig, and Warren Weinstein. All were kidnapped before 2015 and all ultimately either died in captivity or were murdered by their captors after our government chose not to negotiate for their release.

The 2020 Levinson Act codified this recovery structure. Yet it left unresolved a growing threat: authoritarian regimes targeting Americans abroad to gain political leverage. Our current system was built to *recover* hostages—not to *deter* politically motivated captivity. That must change.

Wrongful detention has surged, now accounting for the vast majority of

known cases. This is no longer just a humanitarian issue—it's a national security crisis. Any American traveling abroad can be used by nefarious actors as a pawn to influence U.S. policy.

We urgently need a comprehensive review of our hostage enterprise—one that includes government and nongovernment experts, victim input, and a clear focus on deterrence and prevention.

Eleven years ago, Jim's murder was a wake-up call. Today, thanks to the tireless advocacy of families, the Foley Foundation, and courageous public servants, our nation has made meaningful progress. But the work is not done.

We must summon the moral courage to fully confront this threat, deter it, and prevent it—while continuing to prioritize the safety of Americans abroad. All citizens unjustly held captive deserve to know their government will never again abandon them.

With deepest gratitude,



Diane M. Foley

LETTER FROM THE BRING OUR FAMILIES HOME CAMPAIGN

The Bring Our Families Home Campaign is a family-led initiative, supported by the Foley Foundation, that advocates for the release of Americans wrongfully detained or held hostage abroad. With strategic guidance and operational support from the foundation, the Campaign mobilizes the American public to raise awareness and push for their loved ones' return.

Over the last three years, 31 of our families have been reunited thanks to the bold and decisive action of our government. As of August 2025, eight Americans in our campaign remain unjustly detained overseas. Many have endured years of suffering.

Each case is unique, yet our loved ones are united by one heartbreaking reality: they are being held solely because of their American nationality. Far from us, their families, our loved ones are forced to endure inhumane conditions. Their physical and mental health are deteriorating. They must come home—now.

These eight names represent more than just individuals—they represent families, futures, and freedom interrupted:

- Zack Shahin
- Shahab Dalili
- Saad Almadi
- Andre Khachatoorian
- David Barnes
- Robert Gilman
- Olga Jezler
- Mahmood Habibi

Freedom Starts with a Name—and behind each name is a story of injustice and resilience. We are deeply grateful to the Foley Foundation for this report, which powerfully highlights the daily struggles our families face. As ordinary Americans trying to navigate the vast machinery of our government to urge swift action, we rely on public awareness and support.

We need every voice to help amplify our call to action: **#BringThemHome**.

- Aida Dagher, sister-in-law of **Zack Shahin**, wrongfully detained in the UAE since 2008
- Darian Dalili, son of **Shahab Dalili**, wrongfully detained in Iran since 2016
- Ibrahim Almadi, son of **Saad Almadi**, wrongfully detained in Saudi Arabia since 2021
- Marina Soltani, mother of **Andre Khachatoorian**, wrongfully detained in Russia since 2021
- Carol Barnes, sister of **David Barnes**, wrongfully detained in Russia since 2022
- Vladimir Gilman, father of **Robert Gilman**, wrongfully detained in Russia since 2022
- Harold Jezler, husband of **Olga Jezler**, wrongfully detained in Russia since 2022
- Ahmad Habibi, brother of **Mahmood Habibi**, wrongfully detained in Afghanistan since 2022

Learn more at www.bringourfamilieshome.org or [@BOFHcampaign](https://twitter.com/BOFHcampaign) on X and Instagram

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FOREWORD

“ Plans are worthless,
but planning is everything.”

— President Dwight D. Eisenhower

I’m a planner. Whether it was nature, nurture, or the Army’s gentle encouragement (read: Ranger School), I’ve always believed in mapping out the path from where we are to where we want to be. That mindset helped grow the Office of the Special Presidential Envoy for Hostage Affairs (SPEHA) from four temporary staff to nearly thirty full-time professionals—people who are driven to bring Americans home, support their families, and end hostage diplomacy as we know it.

But even planners know that sometimes, you need more than a good map. You need a full system check. Ten years after the creation of the U.S. hostage recovery enterprise, we’ve reached a milestone—not a failure—and that’s the perfect time to ask: how can we do better?

The enterprise has evolved. It’s no longer just a few government offices—it’s a coalition of agencies, NGOs, businesses, media, and families. And while we’ve made real progress, there are still gaps. We need to ask hard questions: Are we resilient enough to handle a Gaza-like crisis? Are families truly supported?

Are we empowering the right people to make decisions?

So, here’s my pitch: let’s do a comprehensive review. Not because we’re failing, but because we care. Let’s bring in everyone—government, NGOs, returned hostages, families—and take a hard look at what’s working, what’s not, and what’s next. Let’s make sure our systems are built not just to recover Americans, but to deter future threats.

And while we’re at it, let’s keep putting families first. Because if you’re not willing to answer a call from a distressed parent at 10 PM on a Friday night and just listen—or cry with them—you probably shouldn’t be in this line of work.

I’m optimistic. I see a future where we outthink the bad guys, support families with empathy and resources, and finally retire the phrase “hostage diplomacy” to the dustbin of history. But we won’t get there by accident. We’ll get there by planning.

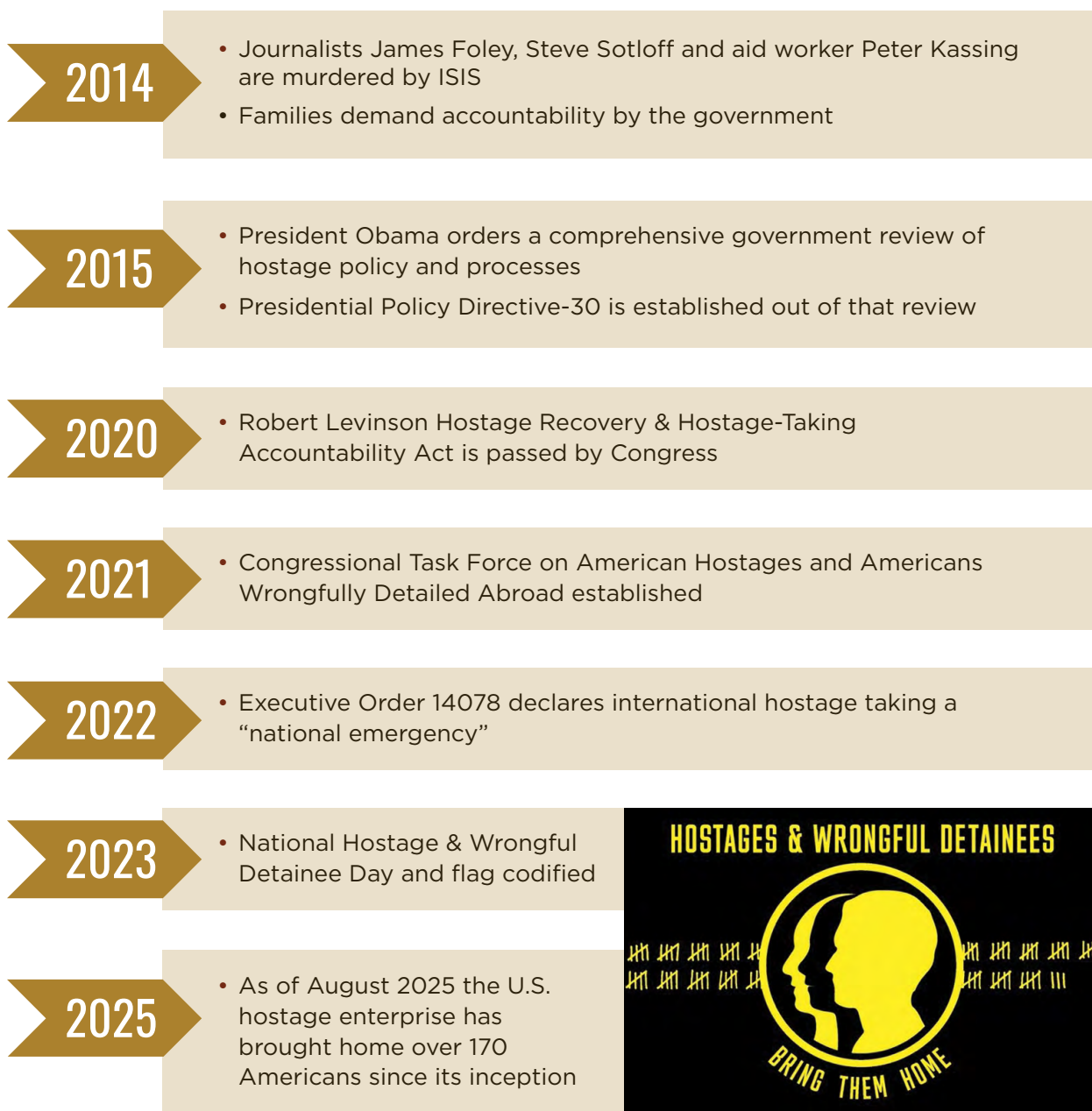
Roger Carstens

*Former Special Presidential Envoy
for Hostage Affairs*

U.S. HOSTAGE ENTERPRISE OVERVIEW

Figure 1

HOSTAGE ENTERPRISE EVOLUTION



2012-2015: AMERICANS AT RISK

On Thanksgiving Day 2012, James W. Foley was taken hostage. The lack of a government response, his subsequent murder, and the public outrage that followed became the catalyst for the rapid development of the future U.S. hostage enterprise.¹

Foley, an American conflict reporter and video journalist, was working as a freelance war correspondent covering the Syrian civil war when he was kidnapped² in Northwest Syria by armed militants, later revealed to be ISIS, a jihadist extremist group that had conducted terrorist attacks resulting in the deaths of thousands.³ Foley, held with other journalists and aid workers, was tortured and killed by decapitation—a gruesome act recorded on video—on August 19, 2014.⁴ This incident shook America and the world and became influential in future legislation about hostage-taking. Within three weeks of Foley's tragic death, his mother, Diane Foley, established the James W. Foley Legacy Foundation,⁵ which advocates for Americans held hostage and wrongfully detained abroad and promotes journalist safety.⁶

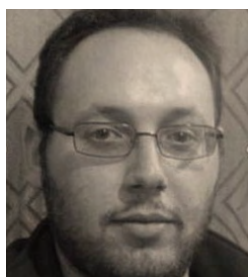
Foley's murder was followed by others, including Americans Steven Sotloff, Peter Kassig, and Kayla Mueller.⁷ The U.S. government

faced severe criticism from the families of these hostages and from the American public for its lack of communication, rigid policies on ransom payments, and its unwillingness to prioritize the lives of its citizens.⁸ From 2012-2015, families of hostages reported that U.S. hostage recovery efforts were uncoordinated and spread across multiple agencies (e.g., the Federal Bureau of Investigation, U.S. Department of State, Department of Defense), which resulted in slow responses and confusion.⁹ Families of hostages criticized the lack of coordination, citing the absence of a dedicated official to lead recovery efforts and the refusal to negotiate with captors due to a strict no-concessions policy. The Foley Foundation advocated for a whole-of-government review of the effectiveness of the U.S. government's policy on the international hostage-taking of Americans.

In 2015, in response to growing public and political outcry, President Barack Obama ordered a full review of U.S. hostage policy.¹⁰ This review—led by General Bennett Sacolick, Director for Strategic Planning at the National Counterterrorism Center—involved the families of American hostages.¹¹ The Foley Foundation served as a key participant in the review.



Foley



Sotloff



Kassig



Mueller

2015: PRESIDENTIAL POLICY DIRECTIVE-30

“U.S. Nationals Taken Hostage Abroad and Personnel Recovery Efforts”

The hostage policy review resulted in the 2015 Presidential Policy Directive 30 (PPD-30) and major policy and structural changes.¹² PPD-30 ordered the creation of the Hostage Recovery Fusion Cell (HRFC), established the Special Presidential Envoy for Hostage Affairs (SPEHA), and formed of the Hostage Response Group (HRG).¹³ In addition, the directive put an emphasis on the government’s engagement with and support to families with loved ones held hostage abroad.¹⁴ The new structure included a Family Engagement Coordinator, who was tasked with ensuring that families of American hostages receive consistent communication and updates from the government, as well as access to mental health

resources, victims rights’ services, and financial resources.¹⁵ It also directed the Director of National Intelligence to manage hostage-related intelligence, and called for the prosecution of hostage-takers.¹⁶

The SPEHA role was established at the U.S. Department of State, reporting to the Secretary of State, to serve as a central diplomatic figure to lead diplomatic efforts when foreign governments unlawfully detain U.S. nationals.¹⁷ PPD-30 outlined the relationship between SPEHA and HRFC, with SPEHA coordinating with HRFC on hostage recovery efforts and strategy development. SPEHA was also tasked with providing a representative to the HRFC and HRG.¹⁸

Figure 2

THE U.S. HOSTAGE ENTERPRISE



The HRFC was established as an interagency fusion cell to improve efforts to recover Americans held hostage abroad. The HRFC brings together personnel from key agencies, including the FBI, Department of State, Department of Defense, and the U.S. Intelligence Community, to collaborate on the hostage recovery process.¹⁹ Its primary objectives include enhancing intelligence sharing, coordinating interagency responses, and ensuring a more efficient and compassionate approach to supporting hostage families.²⁰ The HRFC serves as a central hub for identifying, tracking, and facilitating negotiations for the return of American hostages.²¹

The HRG was created to provide high-level strategic coordination and decision-making in U.S. hostage recovery efforts. Situated within the National Security Council (NSC), the HRG brings together senior officials from relevant government departments and agencies (e.g., Department of State, Department of Treasury, Department of Defense, Department of Justice, FBI, Office of the Director of National Intelligence).²² The HRG evaluates hostage recovery options and makes recommendations to the President.²³ Its primary function is to oversee policy decisions, assess risks, and ensure a unified government response to hostage situations.²⁴

2020: ROBERT LEVINSON HOSTAGE RECOVERY AND HOSTAGE-TAKING ACCOUNTABILITY ACT

At the end of 2020, Congress passed the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act.²⁵ The law is named after Robert Levinson, a former FBI agent who was taken hostage in Iran in 2007 and assessed to have died in captivity by early 2020, becoming the longest

held American in captivity.²⁶ The law established a formal framework for determining when an American is considered wrongfully detained by a foreign government. Equally important, the Levinson Act codified the hostage enterprise structure created by PPD-30.

2022: EXECUTIVE ORDER 14078

“Bolstering Efforts to Bring Hostages and Wrongfully Detained United States Nationals Home”

Responding to the growing threat of nation-states taking, and leveraging Americans for concessions, President Joseph Biden signed Executive Order 14078.²⁷ This Executive Order declared hostage-taking and wrongful detention a national emergency and reemphasized the structure of the

U.S. hostage enterprise, as originally established in PPD-30.²⁸ It also represented a step forward in terms of deterrence, permitting the public or private designation of foreign governments and/or officials involved in the wrongful detention of U.S. nationals for potential sanctions.²⁹

FUTURE OUTLOOK

Since its creation in 2015, the U.S. hostage enterprise has secured the freedom of over 170 Americans held hostage abroad. The U.S. hostage enterprise grew out of the threat posed by nonstate, terrorist hostage-taking.³⁰ Since its creation, reported cases of wrongful detention have increased.³¹ The U.S. hostage

enterprise was not designed to tackle the twin issues of prevention and deterrence.³² As we look to the future, we must seek to prevent and deter the targeting of U.S. nationals for political leverage as well as recover our people held captive abroad.

EXECUTIVE SUMMARY

This report—the latest in the *Bringing Americans Home* research series—draws on 35 interviews with families of hostages and wrongful detainees, U.S. government officials, and subject matter experts. It identifies persistent structural and policy challenges that delay the return of Americans

held abroad and hinder efforts to deter future hostage-taking and wrongful detentions. The findings reflect the final year of the Biden administration and reflect seven years of independent, nonpartisan research conducted by the James W. Foley Legacy Foundation.

KEY FINDINGS & CORRESPONDING RECOMMENDATIONS

1. Structural Inefficiencies Delay Repatriation

- Dedicate annual funding to the Hostage Recovery Fusion Cell based on operational needs rather than FBI priorities.
- Ensure negotiations to free Americans are insulated from other foreign policy concerns.
- Conduct a whole-of-government review of the hostage enterprise to assess policies, resources, structure, strategies for prevention and deterrence, and support for families and returnees.

2. Levinson Act Criteria Are Not Treated as Binding

- Amend the Levinson Act to specify which factors for determining wrongful detention are mandatory.
- Codify that the “totality of circumstances” clause is intended to expand—not restrict—designation eligibility.
- Issue policy guidance affirming that bilateral concerns must not override the imperative to bring Americans home.

3. Legal Permanent Residents (LPRs) Face Unequal Treatment

- Define a clear wrongful detention designation pathway for LPRs.
- Mandate consular support for LPRs in wrongful detention cases.
- Train embassy staff and regional policy desks on LPR rights and responsibilities.

4. Exit Bans Are Not Covered by The Levinson Act

- Amend the Levinson Act to include wrongful exit bans.

5. Designation Process Continues to Lack Transparency

- Legislate clear triggers for a designation review (e.g., arrest notification, family request) and enforce the timeline for review and notification to the families, as codified in the National Defense Authorization Act for Fiscal Year 2025.
- Create a formal process for families to submit a wrongful detention designation request, address government questions, share significant case updates, and track the progress of the review, such as through an online portal.
- Allow for private wrongful detention designations known only to the government and the captive's family to protect sensitive cases or negotiations with captors, while ensuring victims receive the benefits that a designation carries.

6. Families Bear Significant Financial Burdens

- Study, tailor, and adopt the Israeli stipend model to support families of U.S. nationals unjustly held captive abroad.
- Develop educational materials to help families address financial and legal issues.
- Encourage state-level reforms to simplify conservatorship for families of hostages and wrongful detainees.
- Address perceived inequalities in how cases are prioritized.

7. Trusted Third-Party Advisors Are Critical

- Update and provide families with a vetted resource guide of trusted advisors.
- Respect family requests to include advisors in meetings and calls.
- Establish an Advisory Council on Hostage-Taking and Wrongful Detention to inform U.S. policy development and better support families and returnees.

These recommendations aim to strengthen the U.S. government's ability to bring Americans home swiftly, deter future hostage-taking, and support victims. A comprehensive review of the hostage enterprise is urgently needed to address long-standing issues and ensure that no American is left behind due to bureaucratic inefficiencies or policy misalignment.

METHODOLOGY

The information contained in this report is based on 35 semi-structured interviews^a with family members of Americans held hostage or wrongfully detained, U.S. government officials with relevant expertise, and subject matter experts—including advocates, attorneys, and nongovernmental leaders.^b Data collection occurred from October 2024 through February 2025. The report’s findings therefore reflect the experiences of participants during the final year of the Biden administration. All interviews, except one, were conducted directly by the author.

Family members interviewed included a mix of those whose loved ones were held captive at the time of the interview (“current family members”) and those whose loved ones had been freed (“returned family members”). Current family members consisted of individuals whose loved one is designated as wrongfully detained by the U.S. government and those whose loved one was not designated at the time of the interview.

Unless participants requested otherwise, interviews were recorded and transcribed using a localized, closed system artificial intelligence

Table 1
BREAKDOWN OF RESEARCH PARTICIPANTS

Participants	Total
Family Members	13
U.S. Government Officials	13
Subject Matter Experts	9

program. Transcripts were then reviewed and identifying information removed (e.g., names, countries), with the exception of the names of public figures (e.g., Secretary of State Antony Blinken). Interview answers were recorded in a master spreadsheet, with rich quotes noted (i.e., detailed, descriptive quotes that are illustrative of a person’s experience and provide unique insights into the phenomenon studied).³³ All transcripts and the master data file are stored on a secured server.

The author identified the main findings detailed in this report based on a review of all transcripts. This information was shared with members of the Foley Foundation’s Board of Directors and Advisory Council, and their expertise was consulted in formulation of the recommendations presented here.

a Flexible interview guide, enabling the researcher to exercise judgement in the follow-up questions asked

b Compared to prior year reports in this series, returned hostages and wrongful detainees were not interviewed for this report. The Foley Foundation is producing a forthcoming dedicated report specifically focused on the experiences and needs of returnees.

FINDINGS & RECOMMENDATIONS

FINDING NO. 1

Structural inefficiencies delay repatriation

A common refrain throughout the interviews was how long it can take to bring Americans home, with one subject matter expert stating the U.S. government needs to focus on resolving cases in weeks and months, not years.³⁴ As documented in past *Bringing Americans Home* reports, structural challenges persist within the hostage enterprise (e.g., insufficient funding and lack of direct access to the President) which have impeded the timely recovery of Americans held abroad.³⁵ The prolonged timeline for recovering Americans appears to stem from a lack of empowerment for the agencies tasked with bringing them home, compounded by competing national security priorities.³⁶

“

I don't think the U.S. government was necessarily a bad partner with me. I think it was a bad partner with itself.”

— Family member



The families of Jorge Marcelo Vargas and Lucas Hunter, both held hostage in Venezuela, meet with members of Senator Tim Kaine's staff. Both men were released in July 2025. Photo by Liz Richards

Not Empowered to Accomplish the Mission

Some family members, subject matter experts (SMEs), and government officials noted that parts of the hostage enterprise, the SPEHA office in particular, were not always empowered to accomplish their mission.³⁷ During the latter half of the Biden administration, several individuals shared that the NSC took operational control of cases, instead of fully empowering the SPEHA office to negotiate a resolution. This incursion contributed to delays in resolving cases, thereby extending the duration of individuals' captivity.³⁸

Two government officials shared that there were instances in which the NSC extended the timeline for recovery, either because NSC staff did not like the proposed deal or thought a better deal could be reached.³⁹ According to government officials, this interference resulted in cases that could have been resolved in two months, taking two years instead.⁴⁰ This information is further corroborated by subject matter experts and family members who observed the same phenomenon.⁴¹ This delay did not result in better deals, only a longer timeline to accept a proposed deal.⁴² The NSC appears to have been able to control cases because of the access NSC staffers, particularly the National Security Advisor, have to the President. In contrast, multiple people shared in interviews their perspective that, under the Biden administration, the SPEHA did not have direct access to the President.⁴³

Additionally, the HRFC (unlike SPEHA) still does not have a dedicated funding line.⁴⁴ As a



So really what I learned out of all this is the NSC really just had basically full power and control over this case. And if they wanted to ... act sooner, they certainly could have, but they were not willing to earlier on. And it took time for them to get on board."

— Family member

result, the Cell is dependent upon the outcome of internal FBI resource allocation processes—i.e., the HRFC competes for funding among other Bureau priorities.⁴⁵ The failure to fund the HRFC directly prevents the Cell from operating as a truly independent interagency organization. Insufficient funding may impact the organization's readiness, with some government officials observing that planned training exercises with partners are often cut.⁴⁶ This finding has been consistent for the past three years.⁴⁷ Furthermore, as discussed in past reports, the Cell's independence continues to be hindered by its physical location within the FBI headquarters, as well as the organizational position of the HRFC Director within the hostage enterprise.⁴⁸

Competing Priorities

A government official shared the concern that the NSC's involvement in cases created the potential for conflicts of interest because of the multiple portfolios^c the NSC oversaw.⁴⁹ These competing interests and priorities across multiple portfolios delayed decision-making.⁵⁰ One subject matter expert observed, "One of the biggest impacts on the speed and ability of the government to do this [recover Americans], is to find a way to make sure that when we have a wrongfully detained individual, that SPEHA is indeed in the lead above the policy considerations."⁵¹ Similarly, a government official spoke to the need to "silo off" [separate] hostage matters from bilateral and policy considerations.⁵²

No Single Voice on Hostage/Wrongful Detention Matters

Currently, the HRFC, SPEHA, and NSC all have different roles and responsibilities regarding hostages and wrongful detainees. Family members, experts, and government officials all expressed the desire for a single point of contact within the U.S. government to lead the recovery of captives.⁵³ A government official asked, "Why not one organization that deals with this problem [hostage taking and wrongful detention] writ large that is consistently [moving] in one direction?"⁵⁴

Summary

The cumulative result of these internal-to-government challenges



Diane Foley speaks during the second annual Hostage & Wrongful Detainee Day 2025. Photo by Neda Sharghi

“

We need to have one voice in government dealing with hostages, not five...”

— Subject matter expert

faced by the SPEHA and HRFC is that Americans remain in captivity longer than necessary.⁵⁵ This finding is troubling in that Americans who could have come home sooner did not because of competing priorities within the U.S. government as opposed to the actions of the captor country. As one subject matter expert noted, time is never on the side of the person being held in captivity.⁵⁶

^c Areas of work

Recommendations

The hostage enterprise was established 10 years ago with PPD-30 and codified within the last five years by the Levinson Act. It is clear with the passage of the Levinson Act that Congress intends for SPEHA to lead on wrongful detention cases.⁵⁷ Furthermore, as a subject matter expert commented, “When SPEHA’s allowed to operate as Congress intended, it is very effective.”⁵⁸ Therefore, efforts should focus on ensuring SPEHA is empowered and trusted to do its mission.

The recommendations below take both a short-term and long-term view on how the U.S. government may address the structural challenges that persist within the hostage enterprise.

- Dedicate annual funding to the Hostage Recovery Fusion Cell based on operational needs rather than FBI priorities.
- Ensure negotiations to free Americans are insulated from other foreign policy concerns.
- Conduct a whole-of-government review of the hostage enterprise to assess policies, resources, structure, strategies for prevention and deterrence, and support for families and returnees.

Discussion

As recommended in prior *Bringing Americans Home* reports, to be effective, the HRFC needs its own independent budget line. Congress should allocate a dedicated, independent budget to the HRFC. A few government



So many problems with the families come from this disconnect of where SPEHA is located on the org chart and the fact that hostage diplomacy is a national security issue.”

— Family member

officials suggested that a fully funded HRFC would require a budget of approximately \$5 million,⁵⁹ comparable to the \$5.65 million allocated to SPEHA.⁶⁰ To have confidence in a specific budget allocation, an independent review with access to all relevant data would be necessary to properly assess budgetary needs. Regardless of the outcomes of such a review, the HRFC should have a dedicated budget.

Additionally, negotiations to free Americans held captive need to be protected from all other policy considerations. This separation may be achieved within the Executive Branch, through the issuance of policy memos, from the Secretary of State and National Security Council explicitly stating that bilateral relations do not outweigh efforts to bring Americans home.

The above recommendations may mitigate some challenges (e.g., competing priorities) outlined in this section, however, long-standing

organizational issues within the hostage enterprise (e.g., lack of access to top decision makers) remain. Furthermore, even if the current administration implements policies to correct for some of these issues without legislation, a future administration could undo it. None of the above recommendations get to the issue of the lack of a single voice within government on this issue.⁶¹

A whole-of-government review of the U.S. hostage enterprise, including its policies, resources, structure, strategies for prevention and deterrence, and support for families and returnees is needed. While one subject matter expert expressed the view that a comprehensive review is unnecessary, the full body of evidence supports conducting such a review to improve efficiency.⁶² Any review should include returned hostages, wrongful detainees, families, third-party advocates, and subject matter experts from outside of government. The results of the review should be subject to Congressional oversight and made public.



The family of Jorge Marcelo Vargas speak out during the Bring Our Families Home mural unveiling on April 30th, 2025. Vargas was held hostage for 305 days in Venezuela. *Photo by Paris Preston for BOFH Campaign*

To fully understand where there may be duplications and inefficiencies, and how best to bring the full capabilities of the U.S. government to resolving the challenge of freeing American captives, a comprehensive governmental review should be undertaken. **Guided by the overriding principles of “do no harm” to hostages, wrongful detainees and their families—and ensuring that any cost efficiencies are reinvested to enhance mission effectiveness rather than reduce resources**—the review should assess the following:

- What are the budgetary needs of the hostage enterprise as a whole?
- How can funding allocated to various elements of the hostage enterprise be more flexibly allocated to respond to evolving threats and the needs of families and returned captives?
- Where should SPEHA and the HRFC be organizationally aligned to best empower their missions?
- Should SPEHA and HRFC be unified to enhance the efficacy of hostage recovery efforts, improve support for families, and optimize the use of budgetary resources?
- Regardless of any organizational realignment, what should the relationship between HRFC and SPEHA be in terms of authorities, roles, and responsibilities?
- Which organization or individual is ultimately empowered to make final decisions regarding negotiations to free Americans?
- Where are the gaps in support for families and returnees that must be addressed?

As one government official commented, the timing is “ripe to do a review.”⁶³ Both SPEHA and HRFC have unique capabilities and expertise. It is beneficial for both entities, families, and the American people if we harness those capabilities and bring the full resources of the U.S. government to the task of bringing home Americans held captive abroad⁶⁴. However, positions should not be eliminated solely because they appear duplicative. A hasty restructuring, such as the NSC’s restructurings at the end of January and May 2025,⁶⁵ respectively, could cause harm to cases in-process and potentially damage trusted relationships with families. Each restructuring changed out personnel, resulting in a short-term loss of hostage case data, the need to familiarize new individuals with ongoing cases, and a temporary disconnect between families, advisors, and NSC officials.⁶⁶ As such, the heart of any review should focus on keeping the needs of victims (i.e.,

captives, survivors, and their family members) at the forefront.⁶⁷

Finally, in evolving the hostage enterprise, the U.S. government should consider how best to invest in prevention and deterrence.⁶⁸ A few subject matter experts expressed the desire to see the hostage enterprise adapt to counter future threats.⁶⁹ The 2015 review focused on hostage-taking and bringing Americans home.⁷⁰ Since that time, the threat has shifted toward wrongful detentions, which have significantly increased since the establishment of the hostage enterprise.⁷¹ Additionally, the initial review did not consider prevention and deterrence efforts.⁷² A comprehensive review conducted today should re-examine the enterprise’s structure, ensure the U.S. government is prioritizing the expeditious return of Americans over policy considerations, and build out prevention and deterrence mechanisms to reduce future hostage-taking.⁷³



Special Envoy for Hostage Response Adam Boehler speaks during at the Hostage & Wrongful Detainee Day 2025 event at State Department. Photo by Neda Sharghi

FINDING NO. 2

Levinson Act criteria are not treated as binding

Evaluation of the 11 Levinson Factors

The 2020 Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act (Levinson Act) provided an organizing framework for the State Department to evaluate detention cases for wrongfulness.⁷⁴ The 11 factors of the Levinson Act were cited in interviews as essential to advancing the government's ability to resolve cases of wrongful detention. However, evidence suggests that the executive branch does not treat the 11 factors outlined in the Levinson Act as mandatory—meaning that the presence of one or more factors does not automatically trigger a wrongful detention designation.⁷⁵ The Department of Justice's (DOJ) opinion seeking to dismiss a lawsuit brought by the mother of Marc Fogel against the Secretary of State for failure to designate him as wrongfully detained makes the executive branch's view of the Levinson Act criteria clear. The DOJ wrote, "The statute *suggests*, but *does not mandate* consideration of, 11 factors that may bear whether a detention is unlawful or wrongful [emphasis added]."⁷⁶ Despite the opinion set out by the DOJ, when



The Levinson Act was absolutely fundamental to everything that we've been doing and will do in the future on this effort."

— Government official

asked about the Levinson Act, all government officials interviewed for this project affirmed it is the standard by which they judge a detention as wrongful.⁷⁷

The executive branch's assertion that the Levinson Act does not create hard criteria for evaluation runs counter to families' and some subject matter experts' understanding of the law.⁷⁸ Families, in particular, view the Levinson Act as establishing hard criteria, and express confusion and frustration when there is evidence their loved one meets a criterion in the Levinson Act and is still not designated by the Secretary of State as wrongfully detained.⁷⁹

Figure 3

LEVINSON CRITERIA

Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act,

Sec. 2. (a) Review. — The Secretary of State shall review the cases of United States nationals detained abroad to determine if there is credible information that they are being detained unlawfully or wrongfully, based on criteria which may include whether—

1. United States officials receive or possess credible information indicating innocence of the detained individual;
2. the individual is being detained solely or substantially because he or she is a United States national;
3. the individual is being detained solely or substantially to influence United States Government policy or to secure economic or political concessions from the United States Government;
4. the detention appears to be because the individual sought to obtain, exercise, defend, or promote freedom of the press, freedom of religion, or the right to peacefully assemble;
5. the individual is being detained in violation of the laws of the detaining country;
6. independent nongovernmental organizations or journalists have raised legitimate questions about the innocence of the detained individual;
7. the United States mission in the country where the individual is being detained has received credible reports that the detention is a pretext for an illegitimate purpose;
8. the individual is detained in a country where the Department of State has determined in its annual human rights reports that the judicial system is not independent or impartial, is susceptible to corruption, or is incapable of rendering just verdicts;
9. the individual is being detained in inhumane conditions;
10. due process of law has been sufficiently impaired so as to render the detention arbitrary; and
11. United States diplomatic engagement is likely necessary to secure the release of the detained individual.

Totality of the Circumstances

Families reported hearing that their loved ones were not designated as wrongfully detained because of the “totality of the circumstances.”⁸⁰ Probing on this phrase used in the Levinson Act revealed the intention to provide the Secretary of State with greater freedom to designate individuals as wrongfully detained.⁸¹ Government officials shared that flexibility may look like aligning on several factors outlined in the Levinson Act, as well as including circumstances that may not be included in the Levinson Act, such as the geopolitical context.⁸² The phrase was discussed as a way to expand the umbrella under which the Secretary may designate a case.⁸³ However, from the families’ perspective, in practice it appears that phrase is recited more as a justification when an individual is not designated at a moment in time.⁸⁴ When asked about how they understand the phrase “totality of the circumstances,” one

“

The totality of the circumstances preserves that flexibility for the Secretary. It’s really about preserving the flexibility.”

— Government official

family member stated, “There’s no chance of rebuttal of that. What are you talking about specifically? The totality of circumstances. Absolute black box there.”⁸⁵ This apparent disconnect between what the phrase is purported to enable (namely flexibility to designate even in the absence of Levinson criteria) and how it is applied in practice (often cited as a reason not to designate) creates confusion and conflict, particularly for families.



The family of Zack Shahin stands in front of his image at the Bring Our Families Home mural. Photo by Paris Preston for BOFH Campaign

Bilateral Concerns

When asked if bilateral concerns factor into the decision-making process for wrongful detention designation, government officials' answers were mixed.⁸⁶ Some officials were clear that bilateral concerns were discussed as part of the decision to designate (e.g., “bilateral relations play into this [decision], absolutely”⁸⁷) while others insisted bilateral considerations did not factor into their decision making.⁸⁸ However, based on all interviews and the DOJ's opinion in *Fogel v. Blinken*, we assess that bilateral concerns *do* influence decisions regarding whether an individual is designated as wrongfully detained. In *Fogel v. Blinken*, the government writes that the Secretary's decision to designate based on the “totality of circumstances” includes “wide-ranging foreign policy considerations.”⁸⁹

Recommendations

Executive Orders, executive branch policy memos in the short-term, and Congressional legislation in the long-term can address the following gaps in the Levinson Act:

- Amend the Levinson Act to specify which factors for determining wrongful detention are mandatory.
- Codify that the “totality of circumstances” clause is intended to expand—not restrict—designation eligibility.
- Issue policy guidance affirming that bilateral concerns must not override the imperative to bring Americans home.

Discussion

The executive and legislative branches should take immediate



There were times when I believe that the regionals were trying to protect the bilateral relationship of that country and therefore trying to put a stick in the wheels of a wrongful detention process going forward.”

— Government official

action to address these shortcomings. For example, policy memos issued by State Department leadership could mandate that bilateral policy concerns should not outweigh taking action to resolve the captivity of Americans being held hostage by foreign powers. Such memos could be helpful in communicating leadership's intent within the State Department, guiding internal discussions about potential wrongful detention designations.

Statutory fixes are needed to ensure these proposed policy changes endure across future administrations. If Congress intended the 11 factors enumerated in the Levinson Act to serve as binding criteria—rather than discretionary guidelines, as asserted by the DOJ asserted in *Fogel v. Blinken*—then legislative amendments will be necessary to clarify and reinforce that intent. If Congress intended the phrase “totality of circumstances” to grant the Secretary authority to designate individuals on a case-by-case basis using factors beyond the 11 cited in the Levinson Act, that broader interpretation must be more clearly codified.

FINDING NO. 3

Legal Permanent Residents (LPRs) face unequal treatment

Legal Permanent Residents

The Levinson Act explicitly applies to U.S. nationals (i.e., U.S. citizens and legal permanent residents).⁹⁰ However, in practice, Consular Affairs typically does not have purview over cases involving legal permanent residents (LPRs), because their mission is focused on serving U.S. citizens.⁹¹ While the majority of wrongful detention cases start out with Consular Affairs, it is less clear who is responsible for cases involving LPRs, and what their path for designation looks like. In some cases, LPR cases are overseen by the political section at the U.S. Embassy, and in other instances, the case may originate with SPEHA.⁹² State's regional policy offices do not necessarily have the experience and expertise needed to handle wrongful detention cases (e.g., training on identifying indications of wrongfulness).⁹³ As a result, one government official shared the opinion that "LPRs can fall through the cracks sometimes because it's not our consular section's responsibility."⁹⁴



[Legal Permanent Residents] can fall through their cracks a bit, because no one really has responsibility for them."

— Government official

Recommendations

Executive Orders, policy memos, and, ideally, legislation from Congress can address the following gaps related to LPRs in the Levinson Act:

- Define a clear wrongful detention designation pathway for LPRs.
- Mandate consular support for LPRs in wrongful detention cases.
- Train embassy staff and regional policy desks on LPR rights and responsibilities.

Profile

OLGA JEZLER

Legal permanent resident held in Russia

Olga Jezler, a legal permanent resident (LPR) of the United States and wife of a U.S. citizen, was an entrepreneur with a professional cosmetics business in New York. When her only sister was diagnosed with breast cancer, Olga knew she had to help her and her only niece. In June 2022, Olga traveled to Russia for her fourth visit to care for her sister who was undergoing medical care. Upon arrival in Moscow, she voluntarily declared that she possessed vitamins, supplements, and legally purchased and legally permissible CBD capsules. CBD is legal under Russian law and Olga had previously declared the same CBD capsules on three previous trips. However, this time her treatment by authorities was different.

After being questioned about her travel, Olga was allowed to leave the airport. However, three days later, she was arrested and falsely charged with drug trafficking. The CBD capsules were misclassified during her trial as hashish oil, a banned substance, which Olga never possessed. She was sentenced to 10 years in a Russian penal colony. This follows a pattern of Russian officials detaining people with connections to the U.S. and overcharging them so they face lengthy prison sentences.

Because Olga is a LPR, no one from U.S. Consular Affairs attended her trial or requested to visit her during her first three years of detention—even though the State Department’s Foreign Affairs Manual (FAM) clearly states that consular officers may provide discretionary services to LPRs. The FAM clearly states that such services may be extended in cases involving wrongful detention or when the individual is married to a U.S. citizen.⁹⁵ Given that Olga’s arrest and detention fit a broader pattern of Russia targeting Americans—a trend particularly evident in 2022—Consular Affairs should have engaged.⁹⁶ It was only after three



Olga Jezler

years, during which no U.S. government official visited Olga, and following sustained pressure from her husband, that the State Department began to act on her behalf.

This case highlights a form of implicit discrimination against LPRs that violates U.S. federal law and State Department guidelines. In drafting the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act, Congress intentionally used the term “U.S. nationals” to cover both citizens and LPRs.⁹⁷ As noted above, the FAM permits Consular officers to conduct consular visits with LPRs, including for the circumstances in the Jezler case.

In engagement with congressional offices and State Department officials, the Jezler family faced questions concerning when she became a LPR, whether she was deserving of State Department support, and whether she was “American enough.” The family faced these questions despite applicable federal law⁹⁸ and State Department policy that anticipates the need to support LPRs in her position.⁹⁹ The Jezler family’s experiences of being treated differently based on citizenship status aligns with concerns reported by other families.¹⁰⁰ If the U.S. government wishes to dispel the perception that LPRs are treated differently (in contravention of federal law), then a clear designation path and support for wrongfully detained LPRs is needed.

Discussion

To ensure LPRs receive the attention they deserve, the State Department should review its present guidance to Consular Affairs regarding their duty to serve LPRs. Currently, any service (e.g., a one-time visit to see an imprisoned LPR) is viewed as discretionary.¹⁰¹ Consular should be directed, either by guidance from within the executive branch or by legislation from Congress, that when a LPR is arrested in a country known for wrongfully detaining Americans (e.g., Russia,¹⁰² Venezuela,¹⁰³ Afghanistan,¹⁰⁴ Burma,¹⁰⁵ and other “D” indicator countries), more attention must be paid to the case. Information gaps are often cited as a reason for the prolonged time it can take to review an U.S. national’s detention for designation as wrongful.¹⁰⁶ If the U.S. government is not trying to access the U.S. national being detained, it cannot properly assess if the detention is wrongful.

A clear, defined path to designation is also needed for LPRs. To that point, the political sections at U.S. Embassies may require more training on their roles and responsibilities to LPRs. Additionally, it may be prudent to map out a case process for LPRs that is widely understood at U.S. Embassies. Two, potential courses of action include (1) including the Bureau of Democracy, Human Rights, and Labor (DRL) on those cases, to ensure there is adequate oversight, or (2) adopting the model DRL uses for arbitrary detention cases. DRL has experience advocating for noncitizens who are arbitrarily detained, and those practices may translate well into advocating for LPRs. To fulfill the government’s obligations to LPRs who may be wrongfully detained, additional guidance and more regular training to policy desks may be needed to address some of these gaps.¹⁰⁷



Shahab Dalili, a LPR, has been unjustly held in Iran since 2016. *Photo by Darian Dalili*

FINDING NO. 4

Exit bans are not covered by the Levinson Act

Exit bans are not covered by the Levinson Act.^d Because the individual is not imprisoned, exit bans are not viewed as unlawful detentions under international law.¹⁰⁸ However, by not considering a country's abusive use of exit bans, under the Levinson Act, SPEHA is not able to lead the strategy for resolving those cases. Expanding the Levinson Act to include consideration of wrongful exit bans would recognize how some foreign powers leverage exit bans as a form of coercive control.¹⁰⁹ Furthermore, families whose loved ones are under an exit ban are denied legal benefits because of the inability to issue a wrongful detention designation. These benefits include funding to travel to Washington, D.C. to advocate for their loved one and reimbursement for mental health care to address the trauma associated with wrongful detention.

Recommendation

Executive Orders, policy memos, and long-term legislation from Congress to amend the Levinson Act are needed to include wrongful exit bans among wrongful detentions.

Discussion

Exit bans are a form of coercive state control that hurt Americans and their families. China and some countries in the Middle East, like Saudi Arabia, frequently leverage exit bans to coerce individuals.¹¹⁰ The Foley Foundation is tracking at least five wrongful exit ban cases in China and three wrongful exit ban cases in Saudi Arabia^e. Expanding the Levinson Act to include exit bans would rightfully acknowledge how this tool is weaponized as a means of exercising state power.¹¹¹



Dr. Sebastian Gorka meets with Ibrahim Almadi, son of Saad Almadi, at the White House. Photo by Ibrahim Almadi

d Restrictions a host nation may place on an individual, such that the person is not imprisoned, but are unable to leave the country in which they are located

e Information current as of August 13, 2025

Profile

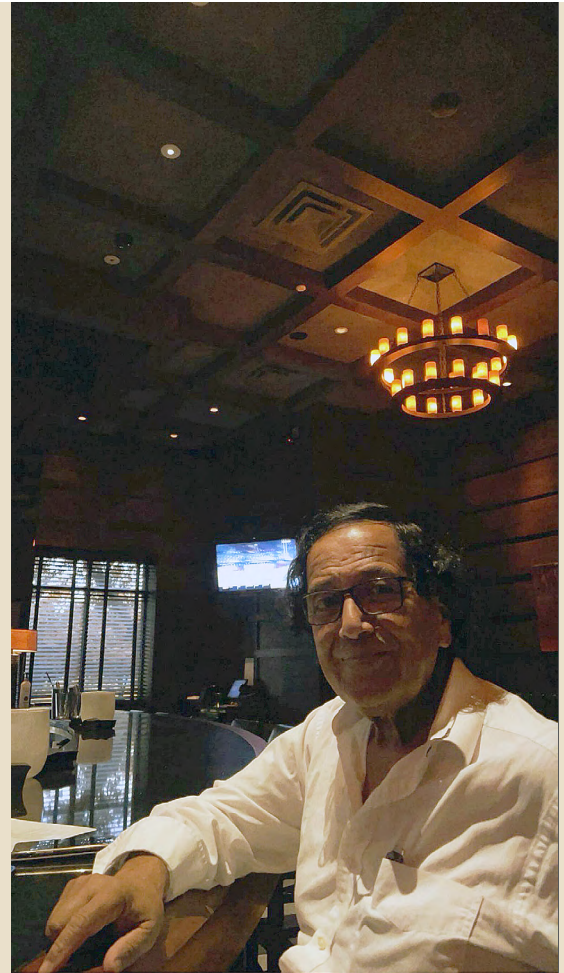
SAAD ALMADI

Exit ban, held in Saudi Arabia

Saad Ibrahim Almadi is a dual US-Saudi citizen and retired project manager from Florida. In November 2021, he traveled to Saudi Arabia to visit family. He had made this trip many times without issue, but upon entering the Riyadh International Airport, he was arrested by Saudi authorities because of 14 social media posts he made while living in the U.S. that the Saudi government judged to be critical of the Kingdom.¹¹²

Saad was sentenced to 16 years of detention.¹¹³ After intensive diplomatic lobbying, Saad was released from prison in March 2023; however, he remains trapped in Saudi Arabia on a 16-year exit ban.¹¹⁴ Saad is currently 75 years old. If he is forced to serve the entire exit ban, he will be 90 years old before he is eligible to return to his home and family in Florida. He also continues to be harassed by Saudi authorities, and his family has expressed fear for Saad's continued safety if he is forced to remain in Saudi Arabia.¹¹⁵

Because exit bans are not covered by the Levinson Act, Consular Affairs remains the lead for Saad's case within State Department. Consular Affairs is limited in the tools at their disposal to resolve



Saad Almadi

exit ban cases. Given Saudi Arabia's intransigence over Saad's case, stronger advocacy from the U.S. government is needed. The ability to designate exit ban cases, such as Saad's, as wrongful would send a clear message by the U.S. government to authoritarian regimes that weaponizing exit bans will not be tolerated.

FINDING NO. 5

Designation process continues to lack transparency.¹¹⁶

Process

The State Department keeps its designation process internal and non-public, citing concerns over providing a blueprint for adversaries to who want to engage in hostage diplomacy.¹¹⁷ However, this lack of transparency, including with Congress, results in frustration and mistrust directed at the U.S. government.¹¹⁸ It does not appear that State's current process includes a formal mechanism for tracking cases. A government official confirmed non-designated cases are not tracked in "a meaningful way."¹¹⁹ The lack of a tracking system may signify a need for the State Department to formalize its processes, capture key information at each stage of review, and develop metrics to better track cases, particularly given its statutory obligations to make wrongful detention designations within a 180-day timeframe.¹²⁰

In *Fogel v. Blinken*, the U.S. government offers their view that "the Levinson Act contains no language that specifies whether Congress, family members, or anyone else needs to be notified about decision-making regarding any determination, the necessary contents of such a decision, or an appeal process."¹²¹ At the end of 2024, Congress sought to fix this oversight by outlining a specific



The designation process is so opaque. Nobody tells you anything."

— Family member

timeline (i.e., 180 days) to make a wrongful detention designation decision, subsequently report that decision to Congress, and then ultimately to the family of the detained individual.¹²² However, in practice, it appears that State indexes on the language in the National Defense Authorization Act (NDAA) that states the U.S. Department of State, "Shall review the cases where there is potential credible information that any United States national is being detained wrongfully and *which has been identified through official government channels.*"^{123,f} Based on discussions with State Department officials, it appears that State's interpretation of the NDAA provision excludes instances when a family provides potential credible information of wrongful detention.¹²⁴ As a result, State still does not respond to family inquiries regarding designation beyond a cursory email acknowledging receipt of the inquiry.

f Emphasis added

Information Required for Designation

As observed and advised by the Foley Foundation and other NGOs and individuals within this space, families often submit a “Levinson letter”⁹ to the Department of State to share the facts of the case, as known to them, and how they align with the factors for wrongful detention in the Levinson Act.¹²⁵ State expressed the perspective that families, Congress, and third-party advocates do not need to provide any information or request a review of their loved one’s case be performed.¹²⁶ Subject matter experts offered a dissenting view, highlighting the value in providing the family’s perspective, and the use of the letter in advocacy with Congress.¹²⁷ One expert said State’s view that Levinson letters are not needed was “surprising and disappointing.”¹²⁸ However, government officials also stated that a lack of information on a case is one of the causes for long review timelines.¹²⁹ Additionally, in archived material from the Biden administration, the State Department’s website stated, “Family members can be key sources of information for these

“

I’m just not understanding why [the U.S. Department of State] won’t put any credence behind what a family says or knows.”

— Subject matter expert

determinations.”¹³⁰ There is an apparent contradiction between these two messages from the U.S. Department of State (i.e., families do not need to submit information, and families are key sources of information). However, consistent with past years of research, families continue to report not receiving a reply to their designation requests.¹³¹ This lack of communication from the State Department harms trust building with families and leaves families feeling ignored.¹³² As one family member stated, “We just feel like we’ve been lost and forgotten in this whole wrongfully designated scenario.”¹³³



Stacia George of Global Reach speaks on behalf of the family of Robert Gilman, during the Bring Our Families Home mural unveiling on April 30th, 2025. *Photo by Paris Preston for BOFH Campaign*

⁹ Letter addressed to the Secretary of State

Designation Decisions

As discussed in the previous chapter, there appears to be a difference in how the State Department applies the factors outlined in the Levinson Act, and how families and subject matter experts understand the law. The lack of transparency in how designation decisions are made—and the prolonged timelines for decisions—leads to a lack of trust in the system. There are also cases when a designation is made right before a deal to bring the individual home. This delay in designation may be because of concerns over how the captor country will react to the designation. While an American coming home is always an occasion to celebrate, by not designating sooner, families of the detained are denied the benefits to which they would otherwise be entitled (e.g., access to mental health services, funds to travel to D.C. to advocate for their loved one). The transition of a case from Consular Affairs to SPEHA can make a difference for the family, not only in terms of benefits and attention to the case, but also to the support provided to a family.¹³⁴ As one family member observed following the transfer of their loved one's case from Consular Affairs to SPEHA, "Up until recently, I don't think we did have a good partnership with the U.S. government. I thought it was lousy, as a matter of fact. It was a stone wall. And then suddenly the designation happened, and now we have somebody to call and to talk to."¹³⁵

Recommendation

The lack of transparency around how State Department makes its wrongful

“

...understand the Levinson law and apply it as it was written. If someone qualifies, designate them. Don't game the facts for a political reason.”

— Subject matter expert

“

State Department has a non-transparent review process. They have no obligation to acknowledge when a family has requested a designation.”

— Subject matter expert

detention designations continues to be an issue.¹³⁶ To rectify this continued problem, Congress should legislate the following:

- Legislate clear triggers for a designation review (e.g., arrest notification, family request) and enforce the timeline for review and notification to the families, as codified in the National Defense Authorization Act for Fiscal Year 2025.

- Create a formal process for families to submit a wrongful detention designation request, address government questions, share significant case updates, and track the progress of the review, such as through an online portal.
- Allow for private wrongful detention designations known only to the government and the captive's family to protect sensitive cases or negotiations with captors, while ensuring victims receive the benefits that a designation carries.

Discussion

More transparency is needed with the wrongful detention determination process. The desire to protect State's decision-making matrix is understandable; however, Congress should legislate clear guidance to ensure State does its job. A well-defined trigger to review a case is needed, such as when an American is first arrested. Additionally, a timeline for review is critical to prevent an open-ended review cycle and a lack of new information that families report with the current system.¹³⁷ Furthermore, a formal process for families, Congress, and third-party advisors to interact with the State Department on wrongful detention determination decisions is needed. An online portal, similar to the one used for immigration applications, could be used to formalize intake of requests for a Levinson review



I thought that I deserve more trust in my interactions with the [U.S.] government.”

— Family member

submitted by families, attorneys, or any government agency. Such a system should be designed to provide transparency into the process, including defined steps, stages, and metrics.

In cases where the State Department does not want to designate an individual because of potential negative consequences associated with the captor country's reaction, a private designation should be considered. This private designation could include a family signing a nondisclosure agreement about the designation status of their loved one. As a government official commented, “Families don't leak” because of the deep personal commitment they have to bring their loved one home.¹³⁸ A private designation would also allow these families access to the benefits of designation codified by law and provide them the reassurance that the U.S. government is actively working to bring their loved one home.

FINDING NO. 6

Families bear significant financial burdens

Families report spending upwards of \$100,000 in expenses related to hostage taking and wrongful detentions.¹³⁹ These expenses include, but are not limited to, legal fees, travel to Washington, D.C. for advocacy, providing for their loved one's commissary needs while in a foreign prison, and lost wages.¹⁴⁰ Specific examples shared by families include:

- \$67,000 in legal fees¹⁴¹
- \$30,000 in consultancy fees¹⁴²
- \$2,000 a month for commissary expenses to feed their imprisoned loved one¹⁴³
- \$700 to send documents to the State Department via registered mail¹⁴⁴

At the time of data collection, none of the families whose expenses are cited above had been reunited with their loved one. The family that spent \$700 to send documents for the State Department to consider in the wrongful detention review of their loved one's case never received a response, or even acknowledgement, from the State Department.¹⁴⁵

The State Department appears to recognize how expensive a hostage or wrongful detention event is for families as well. In a now archived page under "Financial Actions to Consider," the State Department offered the advice to "start a Go Fund Me or other fundraising campaign to raise money for your



It shouldn't be such an agony and such a pain for the family to go through 10 months of the court process just to receive a simple conservatorship status."

— Family member

loved one's expenses (e.g., necessities in jail, legal expenses)."¹⁴⁶

Families' financial problems are compounded by the loss of income earned by the loved one unjustly held captive.¹⁴⁷ When employers are unable or unwilling to continue to provide a salary throughout an individual's captivity, families struggle to make up for that lost income.¹⁴⁸ One retired family member reported taking a part-time job to cover expenses.¹⁴⁹

Additional complications arise if family members' names are not already listed on bank accounts, rental agreements, and deeds.¹⁵⁰ Because hostage taking and wrongful detentions are not planned events, loved ones may not have a power of attorney in place at the time of their capture necessitating the need for a conservatorship.¹⁵¹ Conservatorships are designed for medical

situations when a person may be incapacitated.¹⁵² This tool may allow families access to some financial accounts; however, the process to establish a conservatorship is lengthy, varies by state, and is not designed for situations involving hostage taking or wrongful detention¹⁵³. One family stated they would like to see more communication from Consular Affairs about what their options are when a loved one is detained to let families know what actions to take.¹⁵⁴

Finally, several families shared the fear that they lacked the resources to properly advocate for their loved one.¹⁵⁵ This worry was especially salient when families compared their individual situations to high-profile cases that may have been resolved quicker, in part, to access to a built-in platform for advocacy (e.g., a national sports league, such as the Women’s National Basketball Association, or a large newspaper, such as the Wall Street Journal).¹⁵⁶ The lack of resources to support advocacy contributes to the belief among some families that there is an inherent inequality in who the U.S. government prioritizes and brings home.¹⁵⁷

Recommendation

Families shoulder significant financial burdens, often while experiencing a decrease in their household income. The U.S. government should consider the following actions to address these issues:

- Study, tailor, and adopt the Israeli stipend model to support families of U.S. nationals unjustly held captive abroad.

“

When you have like nothing, and these people have millions of dollars, if not billions of dollars to throw around, I mean, that leads to a really unequal situation.”

— Family member



Marina Soltani, mother of Andre Khachatoorian, stands in front of the Bring Our Families Home mural of her son, alongside Roger Carstens.
Photo by Paris Preston for BOFH Campaign

- Develop educational materials to help families address financial and legal issues.
- Encourage state-level reforms to simplify conservatorship for families of hostages and wrongful detainees.
- Address perceived inequalities in how cases are prioritized.

Discussion

While there has been some progress in addressing the financial needs of returnees,¹⁵⁸ more needs to be done to financially support families throughout the ordeal. If the U.S. government provides financial assistance throughout the unjust captivity, that may help avoid situations for returnees where “people come home, and they realize that while they were away, their family had to declare bankruptcy or had to foreclose on a home.”¹⁵⁹ One possible model is the financial assistance the Israeli government provides to current hostage families.¹⁶⁰ To assist families experiencing the horrific ordeal of hostage taking, the Israeli government provides a grant of NIS 90,000 (\$26,860 USD) every 90 days to the family.¹⁶¹ While the U.S. government does not publish the number of Americans being held hostage or wrongfully detained overseas, the Foley Foundation has estimated that 55 Americans were unjustly held in 2022 and 36 in 2024.¹⁶² So, if the Israeli model of direct financial support were to be adopted, the approximate annual cost of such a program would be \$3.9 million to \$5.9 million.^h

In addition, Consular Affairs should review what materials are provided to families at the start of a detention, and ensure information is included about steps to take to ensure their loved one is financially protected (e.g., a conservatorship is set up).



People quit their jobs, and they try to get their loved ones out full time. And I think the U.S. government should follow the Israeli example and find ways to give stipends to people that are working to get their family members taken out.”

— Government official

Furthermore, state governments may want to review their conservatorship requirements and processes and include a pathway for individuals who are being held hostage or wrongfully detained abroad. One concept to explore is the idea of an emergency proxy power of attorney, which would allow for the appointment of a power of attorney due to the extraordinary circumstances surrounding hostage taking or wrongful detention.

Finally, the U.S. government must find a way to address the perceived inequality in which cases are designated and who the U.S. government focuses on bringing home. As discussed in the last chapter, more transparency in the designation process may build the trust that is needed to alleviate families’ concerns over resources.¹⁶³

^h Estimate of \$3.9 million is based on \$26,860 x 4 quarters for 33 individuals; estimate of \$5.9 million is based on \$26,860 x 4 quarters for 55 individuals

FINDING NO. 7

Third-party advisors are critical

A majority of families (9) mentioned third-party advisors when discussing where they felt they had the most success in their advocacy. Families reported advisors were important in connecting them with the appropriate people at the State Department, the NSC, and Congress.¹⁶⁴ One family member described the struggles their family was having accessing members of the U.S. government, and how that changed once they started to work with an advisor: “We threw everything against the wall and were not having [it] stick until we found [Global Reach].”¹⁶⁵ The importance of advisors, and their perceived role in families’ successes, underscores the challenges families experience in engaging with the U.S. government on their own.

Similarly, subject matter experts expressed the belief that families benefit from outside advisors, particularly those familiar with Washington, D.C.¹⁶⁶ One subject matter expert opined that working with a third-party advisor is “important ... to help families navigate the [hostage] enterprise and make sure they’re [making] the best and most efficient use of their time.”¹⁶⁷ Another subject matter expert offered the view that an “advocate can interpret, translate, and explain to them what is that the government is saying or not saying.”¹⁶⁸



Once we became aware of the Foley Foundation, we felt like we had this big rock behind us that we didn’t have beforehand. And then, of course, Bring Our Families Home Campaign was incredible.”

— Family member

However, subject matter experts also raised concerns with nefarious actors that may seek to take advantage of families.¹⁶⁹ As discussed in the previous chapter, there are many expenses a family takes on when a loved one is held hostage or wrongfully detained. Some of the examples cited highlight potential abuses that may appear in the system. For example, a prominent law firm charged a family \$67,000 to write and submit a Levinson letter to the State Department.¹⁷⁰ The State Department never replied to the letter, and the loved one remains unjustly detained. Similarly, another family reported paying a consultancy \$30,000 to devise a strategy.¹⁷¹ However, after one media engagement, the agency informed the family they did all they could do for the family.¹⁷²

These anecdotes highlight the larger issue with money in this space. One family member with years of experience in this space observed, “Don’t rely on people who charge you, because that’s not the way it works.”¹⁷³ This view is shared among subject matter experts who similarly caution against working with individuals and organizations that charge families money.¹⁷⁴

Recommendation

Families often credited their success to working with a third-party advisor. The U.S. government may want to continue to develop a culture of collaboration and shared best practices with trusted partners within this space. Specific actions the U.S. government can take to further this collaboration include:

- Update and provide families with a vetted resource guide of trusted advisors.
- Respect family requests to include advisors in meetings and calls.
- Establish an Advisory Council on Hostage-Taking and Wrongful Detention to inform U.S. policy development and better support families and returnees.

Discussion

The Levinson Act requires the Family Engagement Coordinator to provide families with a resource guide.¹⁷⁵ As discussed above, families report struggling to identify and connect with the appropriate individuals



**Never, ever, ever go
to anybody who’s
charging you money.”**

— Subject matter expert

within the U.S. government to bring their loved one home. Given this difficulty, a resource guide is critical in providing families an initial framework for outreach. The *Resource Guide for Families of Wrongful Detainees* used to be publicly available on the State Department’s website under a family portal, but that information has since been archived and is no longer up-to-date.¹⁷⁶ It is unclear if the family portal will be revised. As a resource guide is mandated by Congress, having an accessible guide available online would be a good way to ensure compliance.¹⁷⁷

Given the role advisors play in this space, if the family requests that an advisor is included in a meeting or a call, that request should be respected.

Finally, the Foley Foundation supports proposed legislation to create an Advisory Council on Hostage Taking and Unlawful or Wrongful Detention to advise the White House on these issues. In creating this council, it is essential that it includes subject matter experts.

CONCLUSIONS

Since 2019, the Foley Foundation has conducted research to better understand how the U.S. hostage enterprise is operating and the experiences of families.¹⁷⁸ Consistent with past findings, we identified structural challenges.¹⁷⁹ These structural challenges underpin the main finding of this year’s report: **Americans remained in captivity longer, not because of the actions of the captor country, but because of inefficiencies within the U.S. government.**

“
 ...the biggest thing [we need to do is] speed up the process and increase support to families.”
 — Government official

As shown in Table 2, since the Foley Foundation started its research, certain items have been consistently identified as issues (e.g., lack of dedicated funding for the HRFC, lack of transparency around the wrongful

detention determination process).¹⁸⁰ Until bold action is taken, these issues will likely remain barriers to bringing American captives home faster and addressing the challenges their families face.

Table 2
UNRESOLVED RECOMMENDATIONS

Recommendation	2019	2020	2021	2022	2023	2024	2025
Conduct a Comprehensive Review		X	X	X	X		X
Dedicate Funding to the HRFC	X	X		X	X	X	X
Improve the Wrongful Detention Designation Process		X ⁱ		X	X	X	X
Provide Financial Support to Families					X		X ^j

i Called for creation of criteria and framework, with it being publicly available

j Some of the 2023 recommendations, such as travel funds for families to come to D.C. to advocate for their loved one, have been resolved, but other recommendations, such as direct financial assistance, remain



The families of Bring Our Families Home gather together at their mural in Georgetown.
Photo by Paris Preston for BOFH Campaign

FUTURE RESEARCH

Additional research is needed on effective means of prevention and deterrence. In the past year, the State Department has shown creativity with focused messaging and travel warnings related to specific captor countries, such as Venezuela¹⁸¹ and Iran,¹⁸² and a pre-emptive warning about the risk of detention in Nicaragua.¹⁸³ Additional study of the effectiveness of these messages may help with enhancing future communications (i.e., Is the message

resonating with the target audience? Is there a subsequent decrease of Americans traveling to the captor country?).

Finally, as more Americans return from unjust captivity, more attention is needed on their experiences with reintegration. Research should identify what services and supports they require, as well as where there are gaps in care.

APPENDIX 1

EXPERIENCES OF CURRENT FAMILIES

Current families were asked to assess their experiences with the primary government agency with which they interact (e.g., Consular Affairs, Hostage Recovery Fusion Cell, or the office of the Special Presidential Envoy for Hostage Affairs) within the past 12 months. Family members were presented with the following response

options: strongly disagree (1), disagree (2), neither agree or disagree (3), agree (4), or strongly agree (5).

Family members were also presented with the choices of “not applicable” or “prefer not to answer.” If a participant selected either of those options, it was not recorded in the scoring to avoid skewing the mean.

Table 3

FAMILY MEMBERS' PERSPECTIVES

Question	Mean (SD)	Min, Max Responses
Would you agree or disagree that the [HRFC; Consular Affairs; SPEHA; FBI's Victim's Services] has been accessible to you and your family in the past 12 months?	3.70 (1.25)	1, 5
Would you agree or disagree that the information you received during meetings and briefings was consistent and accurate from the [HRFC; Consular Affairs; SPEHA; FBI's Victim's Services]?	3.50 (1.23)	2, 5
Would you agree or disagree that you understand the roles and responsibilities of the [HRFC; Consular Affairs; SPEHA; FBI's Victim's Services]?	3.71 (0.95)	3, 5
Would you agree or disagree that your emails and/or phone calls to the [HRFC; Consular Affairs; SPEHA; FBI's Victim's Services] were answered within a reasonable amount of time?	4.00 (1.55)	1, 5
Would you agree or disagree that laws and policies have been communicated clearly to you from the [HRFC; Consular Affairs; SPEHA; FBI's Victim's Services]?	2.60 (0.89)	2, 4
Would you agree or disagree that you received a consistent flow of information regarding your loved one's case from the [HRFC; Consular Affairs; SPEHA; FBI's Victim's Services] in the past 12 months?	2.67 (1.05)	1, 4
Would you agree or disagree that information you share regarding your loved one's case is being disseminated to the appropriate organizations by the [HRFC; Consular Affairs; SPEHA; FBI's Victim's Services]?	3.60 (1.52)	1, 5

Accessibility

The majority of current families found the primary office they were working with to be accessible. Families working with SPEHA and HRFC stated they are able to reach out and request meetings.¹⁸⁴

Consistent and Accurate Information

The majority of current families agreed the information they received was consistent and accurate; however, as one family member noted, they cannot verify the information.¹⁸⁵ Another family member observed information sharing was sometimes blocked by different parts of the U.S. hostage enterprise, “So, every time SPEHA has information and they’re willing to share this information with us, the White House kind of pressures them and does not allow them to freely share.”¹⁸⁶ This account matches reports from government officials who reported pressure from the NSC to not share information with families.¹⁸⁷ Families working with Consular Affairs noted a lack of information.¹⁸⁸ One family member stated, “There is no feedback given to a question when I asked...the usual answer, ‘we cannot tell you.’”¹⁸⁹

Roles & Responsibilities

Overall, families agreed they understood the roles and responsibilities of the main office with whom they coordinated. One family member who agreed stated it would be helpful to have a handout explaining the roles and responsibilities for each entity.¹⁹⁰

Correspondence

The majority of families reported their correspondence was answered within a reasonable timeframe. An exception was a family that specifically cited the current wrongful detention determination process.¹⁹¹ “These people in the State Department are going through a deliberative process and a constant reevaluation and those kinds of things...we’re frustrated that they don’t reach out to us to clarify some of...their internal talking points.”¹⁹²

U.S. Laws & Policies

The majority of family members who responded to this question disagreed that U.S. laws and policies have been clearly communicated to them, representing an area for improvement. One family member said, “They didn’t really explain that I actually had certain rights within this act [Levinson Act]. For example, that I was entitled to receive critical updates or information in a timely manner. And I had to learn it myself by just [Googling the] act and reading it. But you know, but there was a big-time gap before I found out what the Levinson’s Act was really about.”¹⁹³ Because families are under enormous stress during a hostage or wrongful detention event, especially at the start, it may be helpful to provide families with a handout clearly explaining the Levinson Act and U.S. hostage enterprise.

Flow of Information

The majority of families who responded to this question disagreed there was a consistent flow of information from their main agency regarding their loved one's case and represents an area for improvement. One family member shared, "There's been very little in actual information shared. There's been openness. But honestly, I cannot recall sort of a single piece of hard information that was ever relayed to me from the fusion cell or from SPEHA for that matter about [my loved one]. It's been me informing them about things, but not the other way around."¹⁹⁴ Another family member observed structural challenges that stemmed a free flow of information sharing, "So, I feel that every time SPEHA wants to deliver some kind of news to us or an update that they would normally deliver without

asking permission to the National Security Council, even the simple updates, they kind of have to run it by the NSC."¹⁹⁵ This observation further reinforces the top finding (i.e., inefficiencies in the organizational structure of the hostage enterprise impede the speed at which American captives come home) in the main body of this report.

Disseminated

The majority of families agreed that information was being appropriately disseminated but had no way to validate that perception. As one family member stated, "I believe it is. There's no way I can...actually know the answer to that question. I'm not privy to their workings. And I would assume that they do, but there's no way for me to know the answer to that question."¹⁹⁶

CANDID ASSESSMENTS

Current families, subject matter experts, and government officials^k were asked if they agreed or disagreed (Likert scale from 1 – strongly disagree, to 5 – strongly agree) that candid assessments to recover the loved ones are shared with families.^l Overall, government officials tended to agree that candid assessments were shared, and subject matter experts and families tended to neither agree nor disagree.

Government Officials

Government officials tended to agree or strongly agree that candid recovery assessments are shared with families.^m Two individuals discussed families as partners, and stressed the need for two-way communication, as well as the possibility for families to suggest strategies.¹⁹⁷ It was discussed that Consular Affairs does not work on release or recovery strategies.¹⁹⁸

Subject Matter Experts

On the whole, subject matter experts neither agreed nor disagreed that candid recovery strategies are

shared with families. In discussing their answers, two individuals cited classification of intelligence as a reason why some information may not be shared.¹⁹⁹ Another expert shared the view that the FBI's goal of building a criminal case for prosecution at times can run counter to bringing a person home.²⁰⁰ It was also discussed that Consular Affairs does not have a mandate to bring Americans home.²⁰¹

Families

Family members had a range of responses. Some families expressed frustration over not hearing from Consular Affairs. One family member shared, “nobody’s contacting us...we don’t know what’s going on.”²⁰² Families working with other partners within the hostage enterprise had different views. One family member, working with SPEHA, said they felt like they were part of the process. In a couple of cases where the lines of responsibility (e.g., between SPEHA, HRFC, and the NSC) were less clear, families were not certain how to respond.²⁰³

Table 4

WOULD YOU AGREE OR DISAGREE THAT CANDID ASSESSMENTS TO RECOVER YOUR LOVED ONE HAVE BEEN SHARED WITH YOU BY THE [HRFC; SPEHA]?

Category	Mean (SD)	Min, Max Responses
Government Officials	4.33 (0.58)	4, 5
Subject Matter Experts	3.25 (1.26)	2, 5
Families	3.00 (1.58)	1, 5

k The executive versions of the subject matter expert and government officials protocol did not include this question

l Current families were asked if “candid assessments to recover your loved one has been shared with you.”

m One participant responded not applicable

UNDERSTANDING OF CAPTOR COUNTRIES' LEGAL SYSTEMS

Current and returned families of Americans who are/were wrongfully detained, subject matter experts, and government officialsⁿ were asked if they agreed or disagreed (Likert scale from 1 – strongly disagree, to 5 – strongly agree) that families have a general understanding of the legal processes of the captive countries where U.S. nationals are being held.^o Across all categories, including families, individuals disagreed that families have a general understanding of the legal processes in captor countries. This finding represents an area for improvement. There was a general acknowledgement that the legal systems in captor countries are not legitimate. Government officials tended to discuss the need to respect a sovereign country's rule of law, even if those legal processes do not offer the same protections as the U.S.

“

It is a legal system and not a justice system.”

— Family member

legal system.²⁰⁴ Subject matter experts stressed the illegitimacy of captor countries' legal systems.²⁰⁵ Family members focused on the challenges they experience (e.g., not trusting in-country lawyers, translation issues), and the assistance they need from the U.S. government (e.g., official recognition from the U.S. government that their loved one is innocent, the foreign legal system is not legitimate, legal advice).²⁰⁶

Table 5

WOULD YOU AGREE OR DISAGREE THAT FAMILIES HAVE A GENERAL UNDERSTANDING OF THE LEGAL PROCESSES OF THE CAPTIVE COUNTRIES WHERE U.S. NATIONALS ARE BEING HELD?

Category	Mean (SD)	Min, Max Responses
Government Officials	2.00 (1.41)	1, 3
Subject Matter Experts	2.00 (0.00)	2
Families	2.63 (1.51)	1, 5

- ⁿ The executive versions of the subject matter expert and government officials protocol did not include this question
- ^o Current and returned families were asked specifically if they had a general understanding of the legal process in the country where their loved one is being/was held.

Government Officials

Overall, government officials disagreed that families have a general understanding of the legal processes of captor countries. In discussion, government officials noted that they are bound by the laws of foreign countries.²⁰⁷ They also recognized that there may be gaps in Americans' understanding of their protections, or lack thereof, overseas. One official observed, "I think the biggest thing for us is that the legal systems overseas are different than in the U.S. The protections that we are accustomed to here may not be relevant or part of that country's system."²⁰⁸ One government official said "something we struggle with constantly...even if the laws are absurd, even if the laws are totally contrary to fundamental U.S. values, if a U.S. citizen goes into a country and breaks those laws, they are subject to punishment as a result of it."²⁰⁹ Another official cited the legal barrier to helping families in need;²¹⁰ "I wish we had different laws that said we could advocate on their behalf, or we had like a cadre of attorneys that were specifically for U.S. citizens detained overseas."²¹¹

Subject Matter Experts

All SMEs who responded disagreed that families have a general understanding of the legal systems, and all experts made the same point that captor countries do not engage in legitimate legal processes.²¹² "If you look at the countries that engage in wrongful detentions, every one of them uses a legal process to establish the veneer of legitimacy," said one expert, noting it is hard to explain to family that it is not a legal strategy [to pursue justice through the captor country's legal system]

that will result in the release of their loved one.²¹³ Another expert agreed, stating they need to go through all the requirements of that country's legal system, recognizing it is not a legitimate process.²¹⁴ This expert also cautioned on the potential bias, or conflict of interest, a local lawyer may bring to a case, especially in countries without an independent judiciary (e.g., Iran, China).²¹⁵ A third expert cautioned that some families do not know how to navigate a foreign court system and depend on information and resources provided by Consular Affairs or the embassy.²¹⁶ As this individual observed, families are "relying on somebody else to do a very important job for you."²¹⁷ Because of the expense of the system, and the threat to the wrongfully held individual's health, two experts discussed the need to speed up the process of return.²¹⁸ There was also the general consensus that the State Department should do more to educate families on captor countries' legal systems.²¹⁹

Families

Family members had the greatest range of responses, however, even when a family member agreed or strongly agreed, it was with the understanding that the system is/was not legitimate.²²⁰ One family member expressed the view that the U.S. government could better support families in this area by not being deferential to the captor country's legal process.²²¹ "They're [captor country] diplomatic or legal system no longer applies because they're not applying the law. You know, the American did nothing wrong. Therefore, we should not have to respect their legal system nor their diplomatic process. At the point that someone has [been]

taken hostage, all of that has gone out of the window. And we need to deal with that country as a hostage-taker, not as a country that we need to show any respect towards.”²²² A few families discussed the lack of trust they had in local lawyers, and said they would have appreciated if the U.S. government acknowledged their loved one is innocent and the foreign legal system is not legitimate.²²³ This acknowledgement of innocence may take different forms, including meeting with family members.²²⁴ A

couple family members also stated they would have appreciated more substantive legal support from the U.S. government.²²⁵ “The State Department is so reticent to provide any kind of legal support whatsoever, even if that’s like giving an opinion of any kind.”²²⁶ Recognizing the U.S. government cannot act on behalf of the wrongfully detained individual, U.S. government member may need to be more proactive in discussing with family members what to expect from the captor country’s legal system.

RETURN OF U.S. NATIONALS AS A PRIORITY FOR THE U.S. GOVERNMENT

Current and returned families of Americans who are/were wrongfully detained, subject matter experts, and government officials^p were asked if they agreed or disagreed (Likert scale from 1 – strongly disagree, to 5 – strongly agree) that the return of U.S. nationals is a priority of the U.S. government.^q Government officials were unanimous in “strongly agreeing” that the return of U.S. nationals is a priority for the U.S. government. Subject matter experts and families were more circumspect in their responses.

Government Officials

Government officials all strongly agreed that bringing Americans home is a priority of the U.S. government. In explaining their answers, one government official cited the time

and resources. “The amount of time, energy, resources, individuals that are dedicated to this is just huge; makes me very proud that at the end of the day, it’s not just rhetoric when the secretary says we have no higher priority than the safety of our citizens because I see it day in and day out. This is an enormous apparatus. And it’s filled with people who are really dedicated to this and are just working very hard to bring specific individuals home.”²²⁷ However, this level of dedication, at least under the Biden administration, may have only been reserved for cases designated as wrongfully detained. When another government official was questioned about the support and resources provided to cases that were not designated, the official admitted they were not sure about the level of access those cases received.²²⁸

Table 6

WOULD YOU AGREE OR DISAGREE THAT THE RETURN OF U.S. NATIONALS IS A PRIORITY OF THE U.S. GOVERNMENT?

Category	Mean (SD)	Min, Max Responses
Government Officials	5.00 (0.00)	5
Subject Matter Experts	3.00 (0.82)	2, 4
Families	3.15 (1.29)	1, 5

^p The executive versions of the subject matter expert and government officials protocol did not include this question

^q For family members, the question worded to focus on the return of their specific loved one

Subject Matter Experts

Overall, subject matter experts neither agreed nor disagreed that the return of U.S. nationals was a priority for the U.S. government. One subject matter expert offered the opinion that the level of priority depends on the specific case, and if the family has made themselves enough of an problem for the administration, so that their loved one becomes a priority.²²⁹ Two subject matter experts specifically cited the hostages being held by Hamas for not assessing the priority as higher.²³⁰ “I think Gaza would have been resolved by now if it was the top priority.”²³¹

Families

Families voiced the greatest range of responses on the priority the U.S. government placed on the return of their loved one. One current family member, who strongly agreed with the statement, explained their selection was based on the priority they hear from the U.S. government. “They’re [the U.S. Government] telling

us that I should be strongly agreeing. I’m really trying to strongly agree with that. I hope that’s true.”²³² However, another current family member strongly disagreed, noting, “if it had been a priority, [LOVED ONE would] be home now.”²³³ The difference between those two perspectives might be explained by the designation status of their loved ones. Even among returned families, there was not a strong consensus that their loved one was a priority. One returned family member observed, “We heard a lot that it is a top priority, but there was so many times that it just did not feel like a top priority at all....President Biden was meeting with, I don’t know, football players, basketball players, this, that, but it was kind of like, oh, but our family is not important enough to meet with. Yeah, there was, it was a lot of times they would say it is top priority, but was it, you know?”²³⁴ As another family member whose loved one was returned noted, “Everybody cannot be a priority. Priority means somebody is at the top...whether it was a priority or not, it depended on the moment.”²³⁵

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