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January 7, 2020

Mark A. Morgan  
Acting Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Ave, NW  
Washington, DC 20229

Dear Acting Commissioner Morgan:

I write to seek information regarding recent reports that dozens of Iranians and Iranian Americans have been detained at United States border crossings or have been denied entry into the country.

On Thursday, January 2, 2020, the United States killed Iranian Major General Qassem Soleimani, the commander of the Quds Force of Iran's Islamic Revolutionary Guard Corps. Soleimani's successor has vowed revenge against the United States.<sup>1</sup>

On Saturday, January 4, the U.S. Department of Homeland Security (DHS) issued a National Terrorism Advisory System Bulletin stating that "Iran and its partners, such as Hizballah, have demonstrated the intent and capability to conduct operations in the United States."<sup>2</sup>

That same day, more than 60 Iranians and Iranian Americans attempting to reenter the United States from Canada at the Peace Arch Border Crossing in Blaine, Washington, "were detained at length and questioned" while "[m]any more were reportedly refused entry to the United States," according to the Washington State chapter of the Council on American-Islamic Relations.<sup>3</sup> News reports indicate that the total number of people held at the border might have totaled 100-200.<sup>4</sup> One Iranian-American reported that U.S. Customs and Border Protection (CBP) held and questioned her family at the border crossing for 11 hours.<sup>5</sup> Advocates say the people who were held received questions "about their political views or religious views and

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<sup>1</sup> Associated Press, "Iran general replacing Soleimani vows revenge for US killing," Nasser Karimi and Jon Gambrell, January 6, 2020, <https://apnews.com/0f0a91eb720021df5e7d1cea1c4b79a3>.

<sup>2</sup> U.S. Department of Homeland Security, National Terrorism Advisory System Bulletin, January 4, 2020, [https://www.dhs.gov/sites/default/files/ntas/alerts/20\\_0104\\_ntas\\_bulletin.pdf](https://www.dhs.gov/sites/default/files/ntas/alerts/20_0104_ntas_bulletin.pdf).

<sup>3</sup> Council on American-Islamic Relations, "Breaking: CAIR-WA Assisting Iranian-Americans Detained at U.S. Border," press release, January 5, 2020, [https://www.cair.com/breaking\\_cair\\_wa\\_assisting\\_iranian\\_americans\\_detained\\_u\\_s\\_border](https://www.cair.com/breaking_cair_wa_assisting_iranian_americans_detained_u_s_border).

<sup>4</sup> New York Times, "Iranian-Americans Questioned at the Border: 'My Kids Shouldn't Experience Such Things,'" Mike Baker and Caitlin Dickerson, January 7, 2020, <https://www.nytimes.com/2020/01/06/us/border-iranians-washington-patrol.html>.

<sup>5</sup> The Intercept, "U.S. Border Agency Says It's Not Singling Out Iranians. This Family Waited 11 Hours and Was Asked About Iranian Heritage," Ryan Devereaux, January 6, 2020, <https://theintercept.com/2020/01/06/border-iranian-american-iran/>.

practices.”<sup>6</sup> There have also been indications of people of Iranian heritage at other ports of entry being held and subjected to enhanced scrutiny since Soleimani’s death.<sup>7</sup> In addition to national media reports, my office has received reports from immigration attorneys that multiple Iranian American constituents of mine have been subjected to heightened scrutiny at a New England port of entry even before Soleimani’s death.

In response to the reports of detentions targeting Iranian Americans, CBP stated, “Social media posts that CBP is detaining Iranian-Americans and refusing their entry into the U.S. because of their country of origin are false. Reports that DHS/CBP has issued a related directive are also false.”<sup>8</sup> It also stated: “Based on the current threat environment, CBP is operating with an enhanced posture at its ports of entry to safeguard our national security and protect the America[n] people while simultaneously protecting the civil rights and liberties of everyone.”<sup>9</sup> CBP has attributed the long waits at border crossings to “increased volume and reduced staff during the holiday season.”<sup>10</sup> But it also acknowledges that CBP personnel were “asked to remain vigilant and increase their situational awareness given the evolving threat environment.”<sup>11</sup> And CBP’s statement does not address the troubling reports from individuals held at the border, news outlets, immigration attorneys, and civil rights and civil liberties groups, nor does it address other potential reasons for holding these people at the border.

The new threat warning from DHS is serious, and CBP should be taking lawful and appropriate action to protect national security. But the conflicting information circulating about CBP personnel’s treatment of Iranian Americans and people who are or are perceived to be of Iranian heritage raises questions about what agency policies are in effect, and how CBP is “safeguard[ing] our national security ... while simultaneously protecting the civil rights and liberties of everyone.”<sup>12</sup> To address these questions, I respectfully request that you provide answers to the following questions by January 14, 2020:

1. From January 20, 2017 to January 2, 2020, were Iranian Americans or others of Iranian heritage subjected to additional scrutiny at border crossings into the United States in whole or

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<sup>6</sup> New York Times, “Iranian-Americans Questioned at the Border: ‘My Kids Shouldn’t Experience Such Things,’” Mike Baker and Caitlin Dickerson, January 7, 2020, <https://www.nytimes.com/2020/01/06/us/border-iranians-washington-patrol.html>.

<sup>7</sup> Id.

<sup>8</sup> Tweet by U.S. Customs and Border Protection, January 5, 2020, <https://twitter.com/CBP/status/1213951246463328256>.

<sup>9</sup> Washington Post, “Advocates allege delays at U.S. border for travelers linked to Iran, a claim the government denies,” Abigail Hauslohner, January 6, 2020, [https://www.washingtonpost.com/immigration/advocates-allege-delays-at-us-border-for-travelers-linked-to-iran-a-claim-the-government-denies/2020/01/06/5e7d0e3e-3093-11ea-a053-dc6d944ba776\\_story.html](https://www.washingtonpost.com/immigration/advocates-allege-delays-at-us-border-for-travelers-linked-to-iran-a-claim-the-government-denies/2020/01/06/5e7d0e3e-3093-11ea-a053-dc6d944ba776_story.html).

<sup>10</sup> BuzzFeed News, “US Citizens From Iran Were Stopped And Questioned At The US Border While Returning From Canada,” Adolfo Flores, Lauren Strapagiel, and Hamed Aleaziz, January 6, 2020, <https://www.buzzfeednews.com/article/adolfoflores/us-citizens-from-iran-were-stopped-and-questioned-at-the-us>.

<sup>11</sup> New York Times, “Iranian-Americans Questioned at the Border: ‘My Kids Shouldn’t Experience Such Things,’” Mike Baker and Caitlin Dickerson, January 7, 2020, <https://www.nytimes.com/2020/01/06/us/border-iranians-washington-patrol.html>.

<sup>12</sup> Washington Post, “Advocates allege delays at U.S. border for travelers linked to Iran, a claim the government denies,” Abigail Hauslohner, January 6, 2020, [https://www.washingtonpost.com/immigration/advocates-allege-delays-at-us-border-for-travelers-linked-to-iran-a-claim-the-government-denies/2020/01/06/5e7d0e3e-3093-11ea-a053-dc6d944ba776\\_story.html](https://www.washingtonpost.com/immigration/advocates-allege-delays-at-us-border-for-travelers-linked-to-iran-a-claim-the-government-denies/2020/01/06/5e7d0e3e-3093-11ea-a053-dc6d944ba776_story.html).

in part because of their heritage?

- a. Please provide the text of any policies governing CBP personnel that could have led to Iranian Americans or others of Iranian heritage being subjected to additional scrutiny at border crossings into the United States in whole or in part because of their Iranian heritage.
2. Please describe CBP “enhanced posture at its ports of entry” in place since January 2, 2020.
    - a. What new policies have been put in place regarding CBP’s screening of travelers in the wake of Soleimani’s death? Please provide any documents that describe these new policies.
    - b. Since January 2, 2020, have Iranian Americans or individuals of Iranian heritage been subjected to additional scrutiny at border crossings into the United States?
      - i. If so, what was the basis for this additional scrutiny?
      - ii. How many individuals have been subject to this additional scrutiny?
      - iii. What does the additional scrutiny entail?
    - c. Does CBP policy permit CBP personnel to question travelers about their political and religious views and practices? What is CBP’s view of the legality of questions about travelers’ political and religious views and practices?
  3. What policies or guidelines are in place to ensure that CBP’s secondary inspections or screening occur within a reasonable amount of time, to avoid subjecting lawful travelers to unduly burdensome waits?
  4. What policies or guidelines are in place to “protect[] the civil rights and liberties” of all Americans and non-citizens at ports of entry?

Sincerely,



Elizabeth Warren  
United States Senator