

Deportations and Detentions of Iranians: What We Know and What Congress Can Do

Key Takeaways:

- CBP has been discriminating against individuals on the basis of their Iranian and Middle Eastern heritage, resulting in outrageous screening for U.S. citizens and green card holders, as well as deportations of Iranian students with valid visas.
- Reports indicate that hundreds of Iranian Americans and green card holders were held for secondary questioning at ports of entry and airports solely on the basis of their national heritage in January 2020.
- CBP initially lied that it had issued an order mandating screenings of individuals of Iranian heritage. However, the discriminatory order was subsequently leaked. It remains unclear whether any remnants of the order are still in effect.
- The Iranian-American community has been deeply shaken by this discrimination, with some fearing travel outside the country and others inquiring about whether it is possible to expunge their place of birth from their passport.
- Dozens of Iranian students with valid visas have had their visas revoked at ports of departure or been deported upon entry to the United States, dating back to August 2019.
- CBP has not explained why these deportations are happening despite numerous inquiries. In one case, a CBP officer threatened an Iranian student by claiming that they could make him disappear inside the prison system just like the Iranian government.
- Part of the deportation problem appears to be related to aggressive and prejudiced personnel at Logan Airport, where many of the deportations have occurred. However, other deportations have taken place in Los Angeles, Atlanta, New York and Detroit.
- The deportations are tremendously harmful to the prospective students, who have quit jobs, said goodbye to family and spent their life savings in some cases on airfare and housing to study in their dream program. They have little recourse to put their lives back on track.
- Both situations are linked by CBP's discriminatory behavior against individuals of Iranian heritage, as well as heightened geopolitical tensions with Iran. Given the outrageous lies from CBP as well as its track record under this administration, Congressional intervention is necessary.

Iranian Americans Being Detained at the Border

What We Know

Shortly after the assassination of Iranian general Qassem Soleimani on January 2nd, both the National Iranian American Council and Congressional offices began receiving reports of Iranian-American citizens and Iranian green card holders being detained and questioned upon reentry to the United States. This occurred both at airports and at border crossings.

Despite Custom and Border Protection's (CBP) initial denials, we have since learned that CBP issued a [directive](#) entitled "Iranian Supreme Leader Vows Forceful Revenge after US Kills Maj. General Qassim Suleimani in Baghdad - *Threat Alert High*." The guidance issues an order to front line officers to conduct vetting on all individuals "born after 1961 and before 2001" who are of Iranian, Palestinian or Lebanese heritage or any other nationality that has traveled to Iran or Lebanon. It goes on to say that greater scrutiny will be given to those with connections to the military of these countries, including compulsory military service, "even if they are not of Shia faith, anyone can state they are Baha'i...anyone can state they are from a different faith to mask their intentions." The American Civil Liberties Union (ACLU) [described the directive](#) as "nakedly discriminatory. It wrongly renders whole classes of people inherently suspect simply by virtue of who their parents are, where they were born, or what religion they practice."

Even before the publication of this explosive document, it was apparent that CBP was engaging in outrageous and unlawful discriminatory acts targeting individuals on the basis of their national heritage. Congress must act to stop this discrimination.

Blaine Port of Entry

At the Blaine Port of Entry in Washington state, hundreds of individuals--comprised of U.S. citizens, green card holders, and valid visa holders--were taken into secondary screening by Customs and Border Patrol (CBP) officers on January 4th-5th based on their national heritage or place of birth. Some individuals were held along with their families who had never even been to Iran in their entire lifetimes. In secondary screening, the individuals were asked questions about their family members, social media accounts, political opinions, travel to Iran and whether they or family members had been conscripted by the Iranian government.

Wait times for this secondary screening were typically between six and ten hours, which was partially due to the new order to target anyone of Iranian heritage, and others of Middle Eastern heritage, for secondary screenings before clearing the individuals for reentry. As one apologetic CBP officer [reportedly said](#) to a detained citizen who asked if individuals of Iranian heritage were being targeted, "It's just a really bad time for you guys right now." An additional factor for the long wait times is that a large number of Iranians appear to have crossed at the Blaine Port of Entry at roughly the same time following a Persian pop concert in Vancouver.

Additional Reports of Screenings Based on National Heritage

Such secondary screening was not limited to the Blaine Port of Entry, as individuals of Iranian heritage were also targeted for secondary screening at airports. One individual born in Iran, who has been a U.S. citizen since 1986 and has not been to Iran since 1978, was [pulled aside for secondary screening on January 3rd in Calgary Airport](#). His receipt at check-in was given an X and he was made to wait in a separate line. Upon handing over his passport, which would document his place of birth, the immigration officer exclaimed, "I think I know what has happened." The officer noted when the individual was last in Iran and when he had become a citizen. The officer then went into a separate room and later returned and asked if the individual had served in the military. At first, the individual thought the officer meant the U.S., but they were asking about Iran. He was not in Iran except under the Shah's government, and only then as a child, which he told the officer. After that, he was sent on his way along with his family.

Similarly, at JFK airport, a professor at the University of Pennsylvania - John Ghazvinian - was [pulled into secondary screening on January 5th](#) and asked several questions on his travel and what he thought of the death of Soleimani. After responding that he did not think the latter question was relevant and that he viewed it as political, he was given his passport back and free to go.

We have heard additional reports of Iranian Americans being targeted at ports of entry for secondary screening, though not all have felt comfortable enough to share their stories publicly.

Impact on the Iranian-American community

The individuals who were held were subjected to humiliating, painful and enraging experiences. Negah Hekmati, who was detained at Blaine, appeared at a press conference with Rep. Pramila Jayapal (D-WA) and [recounted how her family](#) - including two young kids - were held for hours. Her five-year-old would not sleep, worried that her parents would be sent to jail, and urged her mother not to speak Persian for fear that it would subject them to greater scrutiny. "My kids shouldn't experience such things," Ms. Hekmati said. "They are U.S. citizens. This is not O.K." Another U.S. citizen who had never been to Iran [missed a flight](#) she was supposed to catch, as she was not allowed to leave a holding area while the CBP subjected her father to secondary screening.

The Iranian-American community has been seriously alarmed by CBP's discriminatory targeting. At NIAC, we have heard from members who are U.S. citizens who have said that they fear traveling outside of the country for fear that they will be discriminated against and held upon reentry. Others have contacted us seeking to expunge their place of birth from their U.S. passports, which now appears to risk subjecting them to discriminatory treatment at U.S. borders.

CBP Response

CBP initially lied to shield its discriminatory actions and intimated that no such discriminatory action was afoot. "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," CBP said in a statement on

January 5th. "Reports that DHS/CBP has issued a related directive are also false." In the most generous interpretation, CBP was hiding behind the legal definitions of "detention" and "directive" to make this claim. However, the leaked directive belies this claim and explains why Iranian Americans were detained based on their national heritage and held while they were subjected to secondary screening, including probing and inappropriate political questions. As Washington Lieutenant Governor Cyrus Habib [said](#) even before the directive was published, "To have U.S. Customs and Border Protection deny these claims is like being gaslighted from the federal government."

In addition to the recent [leak](#) of the directive itself, an anonymous CBP officer spoke about its discriminatory nature. [According to CBC](#), an officer indicated "that CBP's Seattle Field Office — which covers the Canada-U.S. border from Washington State to Minnesota — directed border officers to ask Iranian-born travelers counterterrorism questions. The officer claimed that the sole reason Iranian travelers were detained and questioned that weekend was due to their ethnicity. He alleged that the operation was unethical and possibly unconstitutional."

Rep. Jayapal also [shared details](#) of a meeting she, Rep. Suzan DelBene and other Congressional staffers held with CBP's Seattle Field Office. According to Rep. Jayapal, CBP admitted to making "enormous mistakes in protocol" and that guidance given "translated into the Blaine CBP holding people for literally being born in a particular country."

The Department of Homeland Security Office of Civil Rights and Civil Liberties [opened an investigation](#) on January 7th following NIAC's formal complaint on January 5th. However, we have little clarity on the timeline or scope and whether the investigation will yield any policy change. We believe that future travelers may continue to be targeted without clear action to prohibit such discrimination.

What We Don't Know

- **Still in effect?** -- With the directive being leaked and its existence no longer in doubt, the only question that remains is if it or some watered-down version of it remains in effect. We have not heard reports of mass detention like we saw in Blaine, WA, in recent weeks, but that case was also very peculiar given how many Iranian Americans were passing through the border at one time. NIAC and allied organizations have been in contact with American citizens of Iranian heritage who have since been held for secondary questioning and harassed at the border. If the directive is still being implemented, we must know to what extent and how it is being applied to protect our communities from continued harassment and intimidation.
- **What has been the scope of the order?** We still do not know precisely how many individuals have been subjected to secondary screening based on this discriminatory order. Nor do we clearly know if it was confined to a specific region, such as the reach of the Seattle Field Office.
- **Are there other factors in play?** While we have only seen the guidance from the Seattle Field Office, it is possible that there was a national order or multiple regional orders that

CBP has not acknowledged. Similarly, there may be other factors that result in discriminatory treatment at other ports of entry.

Iranian Student Deportations

What We Know

Since August 2019, dozens of Iranian students with valid F-1 student visas either had their visas revoked at their port of departure or have been deported upon arrival in the United States. In the cases of Iranian students who landed in the U.S., many were subjected to intimidation and political lines of questioning. In some cases, CBP officers imprisoned those slated for deportation and justified their own inexcusable treatment by referring to the actions of the authoritarian Iranian government.

Many of these students had to quit their jobs, say goodbye to family and spent much of their life savings on airfare and apartments - only to be cruelly rejected. This outrageous treatment, which undermines the student exemption in the Muslim ban that helped it narrowly survive judicial review, cannot be allowed to stand.

Fall Semester Revocations and Deportations

Between August 26th - 31st, at least 18 Iranian students with valid F-1 student visas were [barred](#) from boarding flights to start various graduate programs throughout the country. Days before the new semester was supposed to begin, most of these students arrived at their airports in Iran only to find out their visas were cancelled a few days before and were not allowed to board their flights. However, some were rejected after attempting to board their connecting flight, for example, in Abu Dhabi. Others made it to the United States, only to be subjected to harsh interrogation and deportation, as [reported by The New York Times](#):

- On Aug. 1, [Pegah landed in Boston's Logan Airport](#) to begin a program at Southern New Hampshire University. There, she was led into secondary screening and had her laptop, hard drive and cell phone taken from her. When she asked for food during her long wait, CBP officers threw candy at her and yelled at her to "Take it!" Later, during interrogation, she was asked questions concerning Iran and its seizure of ships in the Persian Gulf. The officer reportedly said 'Did you know we can catch you and keep you here in the United States, and no one will understand where you are, the same way Iran does to Americans?' After this outrageous treatment, she was deported.
- On Aug. 19, Behzad - who planned to study at Worcester Polytechnic Institute in Massachusetts - was led into secondary screening at Logan. There, he was interrogated and admitted to working for a company that designed processing systems for factories, including oil facilities. CBP claimed that working in the oil industry violated sanctions, although Behzad asserted that his company was not sanctioned and that he only worked there amid nuclear deal sanctions relief. Nevertheless, he was deported. "They just wanted to find something," Behzad said.

- On Sept. 18, prospective Harvard Divinity student Reihana Emami was led into secondary screening at Logan. There, she was interrogated over nine hours after her long flights, and questioned on what people in Iran thought about the then-recent attack on Saudi oil facilities that the U.S. attributed to Iran. In communications with NIAC, Reihana recounted that she requested to make a phone call to the university, only to have the CBP officer ask if she was in Iran, would Iran's government allow her to contact anyone? She repeatedly refused to sign a document they refused to allow her to read, and after a tiring and long ordeal was deported.

Many of the students [noted](#) that a State Department webpage showed their visa cases had been updated around Aug. 30. These visa revocations occurred less than a month after what was, until the Soleimani strike, the highest levels in tensions between Iran and the U.S. in years. In June 2019, Iran had shot down a U.S. drone and claimed that the aircraft had entered Iranian airspace, bringing the U.S. [10 minutes](#) from war. Congressional staff pressed CBP on these cases but received no explanation for why so many students were deported.

Spring Semester - December to Present

Months passed until we and other organizations heard of other cases. That changed following the killing of a U.S. civilian contractor in Iraq on Dec. 27, 2019, and the assassination of Soleimani on Jan. 2, 2020. This culminated with the Iranian airstrikes on two Iraqi bases that hosted U.S. forces, leaving dozens of U.S. troops with traumatic brain injuries.

Shortly before and following these events, another wave of Iranian students with valid visas were subjected to harsh interrogation and deportation. According to the [Guardian](#), an Iranian student named Mohammad Elmi was detained and deported from LAX on December 13, cruelly separating him from his wife. The same article cites Logan as a site of particular concern, with 7 out of the 10 students they spoke with at the time having “flown into Logan International Airport in Boston, where some of them allege serious infractions by CBP, including multiple complaints about an individual officer.” Multiple organizations and individuals NIAC has spoken with have cited similar concerns with Boston Logan, citing students’ rough treat and the egregious lines of questioning they were subjected to.

On Jan. 1, Amin was on his way to start a Ph.D. program at the University of Florida when he was [pulled aside by an officer at the airport in Atlanta](#). The officer took him to a room for questioning while his suitcase and cellphone were searched by other officers in a separate room. CBP officers took issue with Amin’s apparent failure to note an old school email address and a separate academic paper on his visa application, which they cited as the basis to revoke his visa and deport him. Before he was deported, however, he was sent to a detention facility in Georgia overnight, where he despaired and had to be comforted by his fellow cellmates.

Ten days [later](#), another student entering a joint Masters and Ph.D program in engineering at the University of Notre Dame was deported from Chicago’s O’Hare Airport. “After 24 hours, I was transferred to the boarding gate in the company of two armed officers, as if I was some kind of terrorist. It was both humiliating and dehumanizing,” he said.

There were at [least](#) 3 other Iranians students deported beyond this date, with this most egregious case occurring on Jan. 21st, when Shahab Dehghani, a student studying economics at Northeastern University, was held overnight for questioning at Boston Logan Airport and then deported the next evening. Before his deportation, Shahab's team of attorneys was able to procure a court order requiring Shahab to stay in the country to better understand CBP's reasoning for his deportation order. In a clear violation of the law, CBP deported Shahab despite the court order, highlighting their lack of concern for the rule of law and for the rights of those entering the country.

So far, CBP and the Department of Homeland Security have not provided any justification for these deportations nor the policy guiding CBP officials at airports concerning Iranian students. CBP said in a [statement](#) that there are numerous potential grounds for inadmissibility include health issues, criminality and security concerns: "In all cases, the applicant bears the burden of proof of admissibility." This is a wholly unsatisfactory explanation for why valid State Department visas, which required a lengthy screening process that was extended and expanded under the Trump administration, were rejected under dubious, opaque grounds. In addition, students described their treatment while in CBP custody as humiliating, intimidating, and demeaning, with some officials justifying their behavior by referring to their Iranian heritage. In their efforts to deflect this egregious treatment, CBP officials declined to comment on individual cases.

What We Don't Know

- **Directives** -- With revelations that CBP's Seattle Field Office had issued a directive asking CBP officials to place U.S. [citizens](#) of Iranian, Lebanese or Palestinian heritage into secondary questioning, CBP may have issued similar guidance concerning foreign students of Iranian heritage. However, we have not had any official or unofficial explanation as to why these students have been deported or why their visas were revoked. CBP must provide any written or spoken guidance that indicates a change in posture towards students of Iranian heritage as well as their justification for enacting such a policy.
- **Differences between DHS and the State Department** -- With these visa revocations, it is clear that the State Department and DHS are operating on two different definitions of admissibility. The State Department conducts a review [process](#) that typically lasts over 9 months and covers the individual's background, contacts, and social media presence, along with a host of other factors prior to issuing visas. To have that process routinely reversed in an arbitrary manner amid credible concerns of discriminatory treatment is deeply concerning. At a minimum, Congress should work to ensure that there is not such a fundamental disconnect in order to limit the damage caused by these reversals.

What Congress Should Do

The treatment of Iranian Americans and Iranian students at ports of entry cannot be seen separately. It is clear that CBP has adopted discriminatory and, in some cases, likely illegal approaches to individuals of Iranian heritage and others of Middle Eastern heritage. With

geopolitical tensions unlikely to lessen, and as students continue to be deported, Congress must take decisive actions:

- 1. Conduct an investigation on the detention of Iranian Americans at the border and the deportation of Iranians students, including but not limited to a hearing with witnesses from DHS, CBP and the State Department, as well as affected individuals and civil rights experts. Congress should also make certain that letters of inquiry are adequately responded to by the respective agencies in a timely manner.**
- 2. Pass legislation as part of this year's DHS Appropriations funding measure to prohibit funds used for any discriminatory practices against Iranian students, Iranian Americans, individuals of Iranian heritage or others of Middle Eastern descent.**
- 3. Ensure measures are in place to quickly assist impacted individuals, including reaching out directly to affected communities and ensuring organizations and leaders are in touch with appropriate staff to better halt abuses. We have seen in some cases that the quicker congressional offices get involved, and help mobilize the local universities and attorneys, the better the chance to halt the deportation or stop discriminatory behavior.**
- 4. Pass the three bills below in order to help protect visa applicants, green card holders, and U.S. citizens of Iranian heritage and all other communities that have been stigmatized by this administration:**
 - a. Access to Counsel Act of 2020 ([H.R. 5581](#)): ensures that those in deportation proceedings or who have been held in secondary questioning for more than one hour are given access to legal counsel.**
 - b. End Racial and Religious Profiling Act of 2019 ([S. 2355](#)): eliminates racial, religious, and other discriminatory profiling by law enforcement and federal agencies.**
 - c. Neighbors Not Enemies Act ([H.R. 5734](#)): repeals the 1798 Alien Enemies Act, which allows the President to determine if all foreign nationals from a specific country should be “apprehended, restrained, secured and removed” during war time. The Act was employed during World War II to detain and subsequently deport German, Japanese, and Italian immigrants.**