

United States Senate

WASHINGTON, DC 20510

January 14, 2020

Mark A. Morgan
Acting Commissioner
U.S. Customs and Border Protection
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Acting Commissioner Morgan,

We write to express our concern and request information regarding Customs and Border Protection (CBP) practices relating to secondary inspections of U.S. citizens, permanent residents, and other travelers at ports of entry.

On January 4, 2020, and continuing over the weekend, it appears that CBP officers detained people based solely or predominately on their Iranian national origin. Those subjected to this prolonged inspection included U.S. citizens and legal permanent residents, who were asked, among other things, about their political views, allegiances, social media profiles, family relationships, and military service.

As you are aware, CBP has the crucial responsibility of facilitating legitimate trade and travel through our ports of entry. It is imperative that CBP follows our laws and does not discriminate based upon protected characteristics, as prolonged detainment of travelers based on discriminatory practices is a clear violation of CBP guidance. It is also vital that U.S. citizens and other travelers posing no risk to the homeland are not subject to unnecessary delay or unjustified intrusions as they transit across our border.

Given these concerns, we ask CBP for answers regarding policies that target certain U.S. citizens and other travelers arriving at ports of entry. We ask that you provide this information as soon as possible, but no later than January 20, 2020.

1. Provide us with any and all directives, instructions, policies, memos or any guidance, either verbal or written, relating to additional scrutiny, enhanced screening, vigilance, and/or non-routine or secondary inspections at ports of entry and airports issued in response to international events that have taken place since December 27, 2019.
 - a. If no directives were issued, what level of discretion do CBP port directors have for operationalizing CBP orders for enhanced screening, additional scrutiny, or vigilance at ports of entry?

2. Have any agencies or personnel within the Department of Homeland Security (DHS), including CBP port directors, issued or received any directives, instructions, guidance, or any policies or memos, either in writing or by any other means, to engage in prolonged detainment or enhanced screening of individuals of Iranian heritage entering the United States?
 - a. If so, who issued the directive, memo, teleconference, or guidance and when? How was the directive or guidance delivered?
 - b. What policies, if any, exist to ensure that port directors and/or field leadership alert CBP leadership of directives issued at a local level?
 - c. How does CBP, on a headquarter level, monitor port and/or field directors' compliance with overall CBP policy?
3. Please list any and all instances in which CBP referred Iranians and Iranian-Americans for non-routine or secondary inspection, detention and/or questioning at the port of entry at the Peace Arch Border Crossing over the weekend of January 4, 2020. Please include the percentage of Iranians and Iranian-Americans subject to non-routine or secondary screening as compared to the total number of applications for admission into the United States at Peace Arch Border Crossing on January 4, 2020, and January 5, 2020.
 - a. How many of them were U.S. citizens or legal permanent residents?
 - b. How many minors were detained, questioned or placed into non-routine or secondary screening at Peace Arch Border Crossing over the weekend of January 4, 2020? Were they allowed to remain with their parents/guardians at the port of entry?
4. Have CBP officers at ports of entry or U.S. airports questioned U.S. citizens or legal permanent residents of Iranian heritage, or those perceived to have Iranian heritage, about their political views or the current situation with Iran?
5. What measures, if any, has CBP put in place to prevent leadership at ports of entry from either directly or indirectly telling or encouraging frontline CBP officers to engage in profiling of U.S. citizens based on national origin?
 - a. Has CBP consulted with the Office for Civil Rights and Civil Liberties (CRCL) at DHS regarding the incidents described in these reports?
 - b. Will CBP commit to cooperating with any CRCL investigation into this matter?

6. CBP stated that holiday-related staffing shortages contributed to the extensive delays travelers faced over the weekend of January 4, 2020. How many CBP employees were staffing the Peace Arch Border Crossing over the weekend of January 4, 2020, and how many are there on any other given day?

Thank you for your attention to this matter. Please contact Saadia Khan on Senator Carper's staff at (202) 224-2441, Kara Lynum on Senator Feinstein's staff at (202) 224-7703, or Jaron Goddard on Senator Murray's staff at (202) 224-2621 with any questions.

Sincerely,



Thomas R. Carper
United States Senator



Dianne Feinstein
United States Senator



Patty Murray
United States Senator



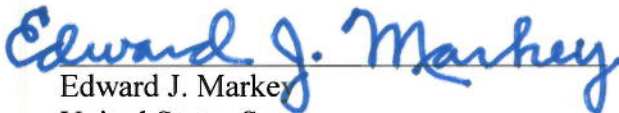
Charles E. Schumer
United States Senator



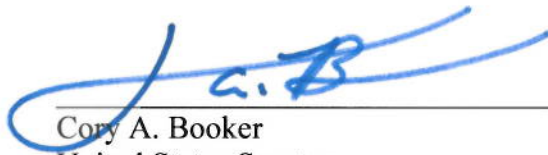
Maria Cantwell
United States Senator



Elizabeth Warren
United States Senator



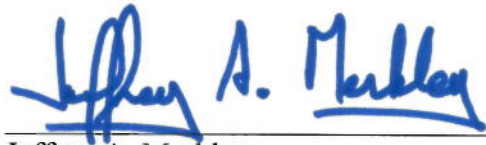
Edward J. Markey
United States Senator



Cory A. Booker
United States Senator



Richard Blumenthal
United States Senator



Jeffrey A. Merkley
United States Senator



Patrick Leahy
United States Senator



Kamala D. Harris
United States Senator



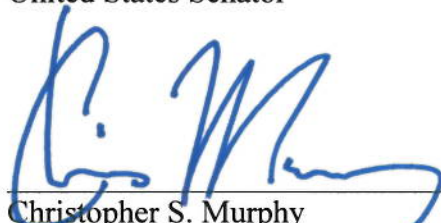
Tammy Duckworth
United States Senator



Kirsten Gillibrand
United States Senator



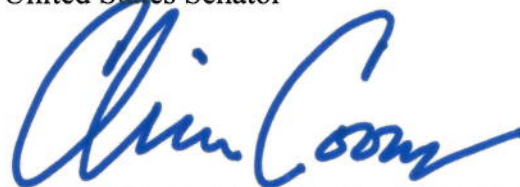
Robert Menendez
United States Senator



Christopher S. Murphy
United States Senator



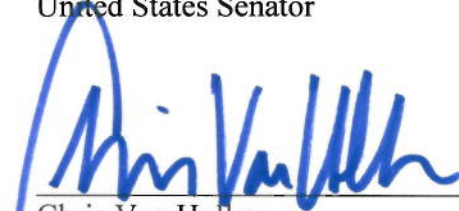
Mazie Hirono
United States Senator



Christopher A. Coons
United States Senator



Amy Klobuchar
United States Senator



Chris Van Hollen
United States Senator