



The U.S. Commission on Civil Rights Expresses Concern Over Treatment of Iranian Americans

January 30, 2020

The U. S. Commission on Civil Rights, by unanimous vote, expresses deep concern over the treatment of Iranians and Iranian Americans in airports, and calls on the Department of Homeland Security to take all necessary steps immediately to ensure equitable treatment of all people at America’s borders and on the Department of Homeland Security’s Office of Civil Rights and Civil Liberties to investigate reports of discriminatory treatment of Iranians and Iranian Americans at our borders and within the United States.

In early 2020, news reports emerged of Iranians – including American citizens who are of Iranian descent – who were subjected to particular and intense scrutiny by Customs and Border Patrol agents.¹ This is in addition to the multiple news reports of Iranians with valid visas who were subjected to similar scrutiny, and in some instances barred from actually entering the United States.² Further, it seems that these actions are not based on any particularized suspicion or security risk.³ Accordingly, these reports

¹ Zolan Kanno-Youngs, Mike Baker, and Mariel Padilla, “U.S. Stops Dozens of Iranian-Americans Returning From Canada,” *New York Times*, Jan. 5, 2020, <https://www.nytimes.com/2020/01/05/us/politics/iranian-americans-border.html>; Lloyd Grove, “Iran-Born Ivy League Professor Detained and Grilled About Soleimani at JFK,” *The Daily Beast*, Jan. 6, 2020, <https://www.thedailybeast.com/iranian-americans-detained-and-grilled-at-us-checkpoints-after-trump-kills-soleimani>.

² Caleb Hampton and Caitlin Dickerson, “‘Demeaned and Humiliated’: What Happened to These Iranians at U.S. Airports,” *New York Times*, Jan. 25, 2020, <https://www.nytimes.com/2020/01/25/us/iran-students-deported-border.html>; Antonia Noori Farzan, “Iranian student turned around at the airport was deported despite order from a federal judge, attorneys say,” *Washington Post*, Jan. 22, 2020, <https://www.washingtonpost.com/nation/2020/01/22/dehghani-student-deported/>; Caleb Hampton, “‘Treated like a terrorist’: US deports growing number of Iranian students with valid visas from US airports,” *Guardian*, Jan. 14, 2020, <https://www.theguardian.com/us-news/2020/jan/14/they-treated-me-like-a-terrorist-the-vetted-iranians-blocked-from-the-us>;

³ The U.S. Customs and Border Protection operates under guidance provided by the Department of Justice regarding the “Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity.” See Dep’t. of Justice, Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity, December 2014, <https://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf>. Under this guidance, Federal law enforcement officers should not consider national origin, religion, or other protected characteristics unless it correlates with “listed characteristics in a specific suspect description,” or “to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons possessing a particular listed characteristic to an identified

appear to be the latest in a trend of federal actions that may be motivated by a national origin and anti-Muslim, anti-immigrant sentiment advanced by the Administration.⁴

In our recent investigation into hate crimes and the federal government's role in combatting and preventing hate incidents, the Commission heard testimony from several experts about the impact of policy decisions and other actions by an Administration that can "contribute to a climate of fear and hate."⁵ It is particularly alarming that in at least one instance, a federal judge issued an order to stay the removal of an Iranian student, but authorities still forced the student's departure from the United States.⁶ Our democracy and the protections enshrined in our Constitution and laws, depend on checks and balances and recognition of the essential role of the judicial branch.

It remains imperative that our leadership not foster fear of and hostility against some Americans.⁷

Chair Catherine E. Lhamon expressed her concern: "Regardless of religion, race, or national origin, all those at America's door deserve to be treated with respect and equally subject to the laws of the United States. And at no time is it ever lawful or appropriate to treat American citizens differently based on religion, race, or national origin. Freedom to move within our borders is fundamental to being American. The Commission calls on all leaders of the United States to resoundingly condemn actions to the contrary, and for the Department of Homeland Security to investigate these reported civil rights violations.

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concern at state and local levels. The

criminal incident, scheme, or organization, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity." Ibid., 1-2.

⁴ See U.S. Commission on Civil Rights, "The U.S. Commission on Civil Rights Expresses Concern Over Executive Orders Promoting Religious and National Origin Discrimination," Feb. 24, 2017, <https://www.usccr.gov/press/2017/PR-02-24-17-EO.pdf>; U.S. Commission on Civil Rights, "U.S. Commission on Civil Rights Warns Against Attempts to End Birthright Citizenship, Continued Hostility to Immigrants," Dec. 7, 2018, <https://www.usccr.gov/press/2018/12-07-Birthright-Citizenship-Statement.pdf>.

⁵ U.S. Commission on Civil Rights, *In the Name of Hate: Examining the Federal Government's Role in Responding to Hate Crimes*, 2019, p. 47 (quoting Kristen Clarke, President and Executive Director, Lawyers' Committee for Civil Rights Under Law).

⁶ Antonia Noori Farzan, "Iranian student turned around at the airport was deported despite order from a federal judge, attorneys say," *Washington Post*, Jan. 22, 2020, <https://www.washingtonpost.com/nation/2020/01/22/dehghani-student-deported/>.

⁷ Caitlin O'Kane, "Trump retweets fake image of Nancy Pelosi and Chuck Schumer in front of Iranian flag," *CNN*, Jan. 13, 2020, <https://www.cbsnews.com/news/president-trump-retweets-fake-image-nancy-pelosi-muslim-head-coverings-in-front-of-iranian-flag/>.

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