

48 hours of border chaos: Inside a CBP crackdown on Iranian Americans

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Immigration

After the U.S. killed a top Iranian general in 2020, it stopped and held 277 people — dozens of them American citizens or legal permanent residents — at the border during “heightened security measures.”



The Peace Arch Border Crossing, in Blaine, Wash. | Elaine Thompson/AP Photo

By Lauren Gardner

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Hours after a U.S. military drone killed Maj. Gen. Qassem Soleimani, one of the most powerful men in Iran, the head of field operations for the border in Washington state gathered her senior staff on an emergency conference call.

It was the first Friday in 2020 — still a holiday for many — and director Adele Fasano spoke from home about the email she'd just received from U.S. Customs and Border Protection headquarters advising “heightened vigilance” following the airstrike.

She instructed assistant directors of field operations and area port directors to institute “heightened security measures.” When the call ended, the Seattle CBP office circulated a “high threat alert” memo among management outlining new criteria for enhanced vetting of cross-border travelers.

The message to rank-and-file agents was clear: Target travelers with ties to Iran, Lebanon and Palestine.

During the next 48 hours, 277 people — dozens of them American citizens or legal permanent residents — would be stopped and held for secondary screenings as they tried to cross into the U.S. from Canada. Many said they were held for more than six hours. Some were denied access to medicine or questioned about their relatives. Most had no idea why they were stopped, though they had their suspicions.

One Iranian American, held for six hours overnight at the Pacific Highway crossing, likened the scene to “a modern-day version of Japanese internment camps.”

More than a year after the incident — now the subject of widespread scorn from advocates for the immigrant community — a CBP internal affairs report obtained by POLITICO offers the first detailed account of the chaos that ensued after the Seattle Field Office sent that memo to staff.

The report, which focuses on the Blaine, Wash., ports of Peace Arch and Pacific Highway where a majority of the screenings took place, confirms that federal officials initially misled the public about what took place. It raises new questions about whether any corrective actions were taken after a top agency leader in Washington had to step in to halt the detentions.

The 87-page document, released in response to a U.S. Freedom of Information Act request, describes an office where senior leaders did not trust frontline border officers to make real-time decisions on who to admit to the United States. Internal investigators were told those same officers feared Fasano.

Officers and managers followed the directive to detain anyone with ties to Iran — then waited for direction from superiors on what to do next. Fasano, who was on vacation at the time, stopped answering emails as the resulting chaos unfolded.

The two days of disarray at the Peace Arch and nearby Pacific Highway port of entry spurred accusations of civil rights violations by members of Congress and advocacy groups, despite CBP's initial denials that any directive was issued. Two organizations sued CBP to get the enhanced vetting directive, which was ultimately released in December. And some travelers subjected to those screenings now plan to take the U.S. government to court.

Two members of Congress who had pushed for answers said the internal report, which the agency has not provided them, confirms their suspicions.

“From the very beginning, I knew CBP was not telling the truth about what had occurred,” Rep. Pramila Jayapal (D-Wash.) said in an interview. The Seattle congresswoman is among several lawmakers who have pushed for answers from agency leadership.

Despite the outrage over the incident, the report makes no recommendations on how the agency can avoid a repeat scenario. The U.S. Attorney's Office in the Western District of Washington declined to prosecute any CBP employees for criminal civil rights violations.

What's more, the internal affairs report — based on emails from that weekend and interviews with CBP officers and the managers who were working, including Fasano — reaches no conclusions about whether the criteria used to flag travelers for secondary inspections were legal or appropriate, nor does it specify if any of the officials implicated in the events were disciplined.

The DHS' Office for Civil Rights and Civil Liberties launched an inquiry into the incident, but its status is unclear.

“What's shocking is there [are] really no recommendations,” said Len Saunders, an immigration attorney in Blaine who disclosed what he saw at the Peace Arch that weekend to the media and to investigators. “There's no sort of accountability.”



Peace Arch Park, which straddles the international boundary between the United States and Canada. | Elaine Thompson/AP Photo

CBP spokesperson Jason Givens declined to make any of the senior Seattle field office leaders named in the report available for comment. POLITICO’s emails and direct messages on LinkedIn to Fasano went unanswered.

“CBP’s Office of Professional Responsibility (OPR) investigation into this matter has been completed and has closed with no actionable findings,” Givens said in an email. “CBP has nothing further to add to the OPR report that has been provided to you via your FOIA request.”

The January 2020 memo issued by one CBP field office illustrates the broad discretion border officials are given to decide who may enter the United States, no matter which political party controls Washington.

What follows is a day-by-day account from inside the Blaine border facility, based on agency investigators’ interviews with employees, supervisors and travelers there and supporting emails and documentation provided to POLITICO under FOIA.

Jan. 3: ‘Increase your security awareness’

Fasano, whose career took her from San Diego to New Jersey before landing in Blaine, was on vacation when she received that first email from Executive Assistant Commissioner Todd Owen in the hours after the drone strike.

The email was marked as a high-importance message and mentioned that acting CBP Commissioner Mark Morgan would hold a call with senior leadership on the matter that day. Still, Owen noted at the beginning of the message that the directions were precautionary.

“There is no specific intelligence at this time indicating any such threat here, but none the less [sic], please increase your security awareness at our facilities to better safeguard our employees,” Owen wrote.

When Fasano assembled her area port directors by phone to discuss heightened security measures, she noted it was her first security threat since arriving at the Seattle field office in 2019.

Owen’s email had mentioned certain travelers, she said, so the officials talked about the killing of Soleimani, who had led the Quds Force of the Islamic Revolutionary Guard Corps, the military arm charged with defending Iran’s political system. The attack at the direction of President Donald Trump had prompted the Ayatollah Ali Khamenei to vow “a forceful revenge.”

“We talked about making sure that no one gets through who would present a threat,” Fasano later told investigators. There was no discussion about who should be referred to secondary inspection.

Fasano decided during a second call with senior field office management that, given the threat, approval for releasing individuals from additional screening would rest solely with her and Michael Freeman, assistant director of field operations for Seattle.

Fasano acknowledged it was an unusual requirement, but later explained to investigators that when she first arrived at the Seattle office, which is headquartered in Blaine, she believed port personnel were waving through travelers who should have been turned away.

But, she added, she “still expected her managers to oversee the operation at the ports and ensure the expedited processing of” U.S. citizens and lawful permanent residents.

“I should have been much more explicit,” Fasano later acknowledged to investigators.

What would quickly be made clear was who CBP officers in the area were expected to target.

The Seattle office’s Tactical Analytical Unit soon circulated the “high threat alert” memo outlining the criteria for enhanced vetting: men and women “born after 1961 and born before 2001 with links,” such as birthplace, travel or citizenship, to Iran, Lebanon and the

Palestinian territories.

POLITICO and other media outlets first reported on the memo in January 2020 after a whistleblower brought it to Saunders' attention.

The memo listed sample questions for officers to ask related to travelers' jobs, education and military service, and the language did not explicitly exempt U.S. citizens and green card holders from the enhanced vetting.

"The directive clearly makes a link between people of Iranian descent and a security threat," Jayapal told POLITICO.

One man who arrived in Blaine that Saturday with his wife and daughter after a shopping trip to Canada told investigators he was asked many questions "about his occupation, where he was born, his military experience, his time spent outside the U.S. to include travel to Iran, and multiple inquiries about his family and their background."

The man said half the CBP officers he encountered that night were rude, while the other half tried to help travelers as best they could. His biggest complaint, he said, was that they were never told why they had to wait so long.

His daughter told investigators that she watched as white, Asian and Indian travelers were helped within minutes of entering the Peace Arch building.

An unidentified CBP supervisor who developed the specialized vetting criteria that weekend said she believed Customs and Border Protection was operating as if "we had crossed the line with Iran and we were about to get attacked."

The officer tried without luck to enlist help from other offices within DHS to help with the impending workload. They didn't seem concerned about the "Iranian threat," she said, making her question how significant it really was.

Jan. 4: 'It is out of our hands'

In the hours after the screening measures went into effect, no one called Fasano to report anything amiss. But she wasn't answering emails, either.

Even though Fasano had dictated only she or Freeman could approve the release of travelers from secondary, her deputy would turn out to be the only one signing off requests.

Fasano received an email for each traveler sent to secondary, but she acknowledged none.

Freeman said he waited about 30 minutes after the arrival of the first requests because he thought Fasano wanted to give the OK. When she did not respond, he started green-lighting. He would approve all releases, except during the midnight shift when he delegated responsibility to another unit.

It was “fairly common” for Fasano to not pick up her phone or respond to emails or texts, Freeman told investigators.

The emails didn’t indicate how long it was taking to process the travelers, Fasano later said, and Freeman was quickly responding to the requests.

“I just assumed people were in and out,” she said.

Tired and hungry travelers filled the vestibule from Saturday night into Sunday morning. Several sat on the floor because there were not enough seats.

Officers eventually ordered Domino’s pizza for those stuck at the Peace Arch building, paying for it out of their own pockets. While travelers were able to keep their phones and pace the lobby, they were unable to leave until their secondary screenings were completed because officers confiscated their identification documents.

One woman who was stopped at Blaine’s Pacific Highway port with her husband and children — all American citizens — said they watched as CBP officers “constantly checked their computer screens to see if travelers could be allowed to leave.”

She recalled one officer telling travelers, “We don’t know anything,” when asked about the holdup. “It is out of our hands ... we are not happy.”

She and her family finally left the port around 5 a.m. on Jan. 5, almost six hours after they’d arrived.

Delays were compounded by paperwork issues — misspellings, incomplete information and inconsistent communication between units.

But the root cause, investigators found, was the broad scope of the vetting criteria that had been “poorly communicated” to the field. Making things worse was the fact frontline officers were not granted discretion to implement the enhanced screening.

Fasano initially insisted that officers had not followed guidance — an assertion she partially backed away from during the internal investigation.

On the Saturday night, Fasano and Freeman were in touch — though they don’t agree what transpired.

Freeman says he told his boss they needed to “rethink” how the port was screening travelers.

Fasano told investigators that she was the one who wanted to change course, but that Freeman convinced her not to make any changes that night.

“There’s no way,” Freeman told investigators in a follow-up interview.

Jan. 5: ‘Stop it immediately’

By early Sunday, reporters were inquiring why so many people of Iranian descent had been held for extra screening. That’s when Randy Howe, then-executive director for field operations at CBP headquarters, stepped in.

Unable to contact Fasano, he reached out to Freeman.

After Freeman explained the vetting procedures, Howe told him to “stop it immediately.”

Freeman emailed port directors on Jan. 5 with new procedures. “For this operation, CBP will not target by nationality,” he wrote.

Freeman couldn’t recall any conversations before that Sunday among field office management about whether the vetting procedures they implemented could spur officers to violate agency policy or travelers’ civil rights.

January 2020: Fallout and aftermath

During the investigation, Freeman described a field office where personnel feared that to challenge Fasano would be to risk their jobs.

Their sense of the situation might help explain CBP’s reputation as one of the least desirable federal agencies to work for — it ranked 380th out of 420 “agency subcomponents” in the Partnership for Public Service’s 2019 listing of the best places to work in the federal government. Of the major agencies, DHS ranked last.

“For us in the field office, and the area port directors ... we’re afraid of [Fasano],” Freeman said, “and the decision making that she makes.”

In the immediate aftermath, Fasano wanted to fire the two watch commanders who’d been on duty that weekend who, in her mind, didn’t speak up.

They “were the ones that would — should — have reported it,” Fasano said. “They are the ones who have the authority and expectation to take action when something is happening at the ports.”

She directed an employee to report the watch commanders for “dereliction of duty” to the Joint Intake Center, the DHS office that investigates complaints against CBP and Immigration and Customs Enforcement employees.

Fasano would later acknowledge to investigators that it was reasonable that officers interpreted the guidance to include shuttling U.S. citizens into secondary inspections.

“I didn’t articulate it clearly,” she said. “And I fully admit, I screwed up.”

Most travelers said they’d been treated respectfully during a precarious situation in which frontline officers were just doing their jobs. Many agreed that the time they were held was excessive, and a couple of individuals described rude interactions when they asked why they were being held for so long.

Fasano had not anticipated the procedures she signed off on would net such a large number of people, even though the region from Vancouver south to Seattle is home to a sizable Iranian expat community.

“Between the lack of guidance from headquarters when they issue security threat information ... what exactly [did] they expect from us?” Fasano said. “We weren’t withholding any information or trying to conceal anything we were doing.”

In the months after the incident, members of Congress tried to get answers from CBP. Democratic Rep. Suzan DelBene, whose district includes Blaine, said the report contains “more information on the events than what’s been shared with us over this period.”

“They haven’t provided a clear path to protect civil rights going forward, and that’s what needs to happen,” she told POLITICO.

Headquarters “grossly mishandled the messaging” amid the public relations fallout, Fasano said.

An agency spokesperson initially denied the agency was holding Iranian American travelers due to their country of origin based on directives from CBP or DHS.

Weeks later, Morgan, the acting commissioner, said there was no “national directive” to target Iranians for questioning. It was the first public acknowledgment that the Seattle office’s action was an outlier.

Fasano said she believed she was “set up” to take the fall and noted that the first time she was asked about the operation was at a meeting with congressional aides and DHS’ civil rights office — not by headquarters.

“They knew what went on in Blaine,” she said.

The episode illustrates a longstanding lack of accountability at DHS agencies, Jayapal said.

“We just need to overhaul these agencies from top to bottom to ensure the dignity, respect and civil liberties of people,” regardless of their nationality, she said.

While the Biden administration can make administrative changes, Jayapal said, restructuring the department would require legislation. “DHS, even under the best leadership, is an unaccountable agency,” she said. “It is so huge and sprawling.”

Fasano has since moved to a different role at CBP headquarters in Washington — executive director for the Office of Field Operations, Planning, Program Analysis and Evaluation.

“People routinely move throughout the organization both at headquarters and in the field for a variety of personal and professional reasons,” CBP spokesperson Givens said.

Matt Adams, legal director at the Northwest Immigrant Rights Project, one of the groups that sued CBP to release the directive, blasted the absence of recommendations in the report.

“It is masked as an internal affairs report, but it doesn’t take any steps toward requiring accountability,” he said.

Now that a federal judge has required CBP to disclose what he called the “underlying unlawful activity,” Adams said travelers who were affected by the directive that weekend — including American citizens and permanent residents — want to sue the federal government for damages.

When Howe, the former head of field operations at CBP headquarters, spoke to Fasano a few days after the incident, he said, she criticized her employees for not telling her about the delays.

“I’m still puzzled by that statement, because if she was giving approval, then she would have been aware,” Howe said.

One traveler told investigators that the six-hour wait at the Peace Arch crossing should never have happened to U.S. citizens. “His seven-year-old son was very traumatized by the situation, and his son was now fearful whenever crossing the border to go to Canada,” investigators wrote.