



# Office for Civil Rights and Civil Liberties

## Summary of CRCL Recommendation Memorandum and CBP's Response *Cancellation of F-1 Visas of Iranian Nationals*

On August 24, 2023, U.S. Customs and Border Protection (CBP) responded to a *Recommendation Memorandum* issued in March 2023 by the Office for Civil Rights and Civil Liberties (CRCL) expressing concerns about CBP's cancellation of certain F-1 Visas of Iranian Nationals. CBP concurred with one of CRCL's recommendations and partially concurred with two.

### Background

Between January and February 2020, CRCL opened several complaints alleging that CBP inappropriately considered nationality when determining admissibility and denying entry to numerous Iranian nationals. The complaints alleged that CBP made legally flawed inadmissibility findings and wrongly cancelled F-1 visas resulting in the placement of noncitizens in expedited removal, which incorrectly activated five-year bars to admission. CRCL identified seven complaints as a representative sample of the broader issue.

### Investigation

CRCL reviewed CBP policies related to CBP's use of discretionary authority and determinations of inadmissibility. CRCL also reviewed Department of Homeland Security and CBP records, such as Forms I-213 and TECS records, for numerous Iranian nationals whose F-1 Visas were canceled. CRCL found that CBP lacks sufficient policies, procedures, and guidance regarding the implementation of the legal standard that noncitizens must both meet the requirements for admission in their nonimmigrant visa classification under which they have applied for admission and additionally overcome the presumption of immigrant intent. CRCL also determined that CBP Officers may be susceptible to making determinations based on race, ethnicity, or nationality, due to the lack of sufficient guidance about the factors that may be used to determine that a noncitizen does not meet the statutory standards for an F-1 visa.

### Recommendations

On March 30, 2023, CRCL sent CBP a *Recommendation Memorandum* with three recommendations. On August 24, 2023, CBP concurred with one of CRCL's recommendations and partially concurred with two. CBP agreed to issue a memo and muster reiterating the appropriate documentation of facts required to support CBP officer determinations for admissibility. CBP also agreed to conduct regular reviews of noncitizens charged with inadmissibility under Section 212(a)(7)(a)(i)(I) of the Immigration and Nationality Act and to provide CRCL with an annual assessment and analysis of inadmissibility cases by country of citizenship.

*CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.*

February 8, 2024