



# KNOW YOUR RIGHTS WHILE TRAVELING

## RIGHTS AT THE AIRPORT AND THE U.S. BORDER



### U.S. Customs & Border Protection can...

- Question you regarding your citizenship
- Question you regarding your trip and purpose of your travel
- Question you regarding any items you bought on your trip, including how much cash you have in your possession
- Generally, CBP agents can stop, detain, and search any person or item at the border. It is unclear whether this power extends to laptops or cell phones, but in practice CBP officers sometimes search and confiscate electronic devices.

### IF YOU ARE A US CITIZEN:

The U.S. Constitution guarantees to every U.S. citizen an absolute, unqualified right to enter the U.S. If you can prove your citizenship (usually by showing a valid passport), then the government must allow you to enter.

You may decline to answer questions about your religious or political beliefs and cannot be denied entry into the U.S. for doing so. Sometimes CBP agents go beyond questions related to a traveler's journey. You should ask for a supervisor if you are concerned about intrusive or excessive questioning about matters such as your religious practices, political beliefs, or your family or religious community.

If you are subjected to prolonged questioning, or if you have been detained for over four hours: (1) explain that you've already identified yourself, (2) explain that you feel like you are being discriminated against, (3) explain that you will be contacting a lawyer, and (4) ask for and retain the name of the supervisor on duty. CBP may take the position that you are not entitled to an attorney; however, we encourage you to have the information of an attorney or legal services organization if you believe your rights have been violated and are being forced to answer improper questions.



### IF YOU ARE A GREENCARD HOLDER:

Contact an immigration attorney before traveling.

If you are returning from brief and innocent travel and you present your valid green card, you must be admitted into the U.S. You may decline to answer general questions about your religious or political beliefs, but doing so may lead to delay, additional questioning, or denial of entry.

You should not sign anything which you do not understand without speaking to attorney.



## IF YOU ARE A VISA HOLDER:

Contact an immigration attorney before traveling.

You may decline to answer questions about your religious or political beliefs, but doing so may lead to delay, additional questioning, or possible denial of your entry into the U.S.

Generally, you do not have the right to an attorney before answering questions.

If you are told you cannot enter the U.S. and you fear you might be persecuted or tortured if you are sent back to your home country, you may tell the officer about your fear and request asylum.



## ELECTRONICS:

**CBP agents cannot compel travelers to provide passcodes for electronic devices, but they may confiscate them.** Consider disabling fingerprint Touch ID on your devices while traveling, since border officials can compel you to unlock your device using fingerprint instead of passcode.

**U.S. Citizens cannot be denied entry to the U.S. for refusing to provide passwords or to unlock electronic devices.** However, refusal to unlock electronic devices or provide passwords might lead to delay, lengthy questioning, and seizure of devices.

For noncitizens, refusing to cooperate might also lead to agents denying your entry into the country.

If an officer searches or confiscates your device, write down the officer's name and get a receipt for your property.

## WHAT TO DO IF STOPPED BY CBP:

You are entitled to courteous, respectful and non-stigmatizing treatment by CBP and security personnel. It is illegal for law enforcement officials to perform any stops, searches, detentions, or removals based solely on your race, religion, national origin, sex, or ethnicity.

If you believe you have been treated in a discriminatory manner, you should:

- Ask for the names and ID number of all persons involved in the incident. Be sure to write down this information.
- Ask to speak to a supervisor.
- Politely ask witnesses to give you their names and contact information.
- Write a statement of facts immediately after the incident. Be sure to include the flight number, the flight date, and the name of the airline.

### It is important to note the following:

- A customs agent has the right to stop, detain and search every person and item.
- Screeners have the authority to conduct a further search of you or your bags.
- A pilot has the right to refuse to fly a passenger if he or she believes the passenger is a threat to the safety of the flight. The pilot's decision must be reasonable and based on observations, not stereotypes.



If you have any questions, please contact us:

(833) CAIRFLA (833-224-7352)  
Info@fl.cair.com

If you are leaving the country, contact CAIR-FL beforehand so we can document your travel.

(813) 531-7767 (text only number)  
CAIRFLLegal@projects.fllevine.com

If you are stopped by CBP while traveling, contact CAIR-FL immediately to file a report.

Call us at (833) CAIRFLA (833-224-7352) or Text us at (813) 531-7767



Council on American-Islamic Relations - Florida, Inc.  
1.833.CAIRFLA | Toll Free: 1.833.224.7352  
www.cairflorida.org | info@fl.cair.com

Tampa: 8076 North 56th Street | Tampa, Florida 33617  
South Florida: 9000 Northwest 44th Street, #200 | Sunrise, Florida 33351  
Central Florida: 1802 North Alafaya Trail, #152 | Orlando, Florida 32826

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