

THE TRAVELER'S
BILL OF RIGHTS



*Your rights at U.S. Airports
and Ports of Entry*

Now more than ever, it's important to know your basic constitutional rights when entering the United States from abroad.



The ACLU is looking for people affected by the revised ban to participate in our ongoing case on behalf of California residents.

Learn more: <https://www.aclunc.org/article/aclu-california-seeking-clients-affected-by-latest-muslim-ban>

If you believe any of your rights were violated or wish to report mistreatment at an airport or land Port of Entry in California, please see the final page of this document to contact the ACLU of California.



Can I be treated differently by U.S. Customs and Border Protection (“CBP”) agents at a U.S. airport or land Port of Entry because of my race, religion, or national origin?

No. The Constitution prohibits CBP agents from performing stops, searches, detentions, or removals based solely on religion, race, national origin, gender, ethnicity, or political beliefs.



What are my rights in “secondary inspection”?

Individuals subject to “secondary inspection” by airport or border officials are often subject to more intrusive questioning. CBP takes the position that travelers do not have the right to an attorney during questioning. If this happens to you, here is what you need to know:

U.S. Citizens: You only have to answer questions establishing your identity and citizenship (in addition to customs-related questions). Refusal to answer other questions may cause delay, but officials may not deny you entry into the U.S. if you have established your identity and citizenship.

Lawful Permanent Residents (green card holders or LPRs): You only have to answer questions establishing your identity and permanent residency (in addition to customs-related questions). Refusal to answer other questions will likely cause delay, but officials may not deny you entry into the U.S. for failure to answer other questions. LPR status may be revoked only by an immigration judge. Do not give up your green card voluntarily!

Others: Refusing to answer questions asked by airport or border officials could cause delay, and might also lead to officers denying your entry into the country.



What are my rights when officers search my belongings?

CBP claims the right to search and confiscate laptops, mobile phones, digital cameras, and other electronic devices upon entry to the United States, without any suspicion of wrongdoing. The agency also claims the right to make a copy of information found on electronic devices. **If officials search or confiscate your electronic devices, write down the name, agency, badge number, and contact number for the agency and ask for a receipt.**

Note that U.S. citizens cannot be denied entry to the U.S. for any reason, including for refusing to produce passwords, provide device access, or submit electronic devices for a search. **Lawful permanent residents cannot be refused entry unless their travel was not brief (more than 180 days) or they engaged in illegal activity after leaving the United States as defined in 8 U.S.C. 1101(a)(13).** All travelers should be aware that as a practical matter, refusal to provide a password might lead to delay, lengthy questioning, and/or officers seizing your device for further inspection. For non-citizen visa holders, refusing to cooperate might also lead to officers denying your entry into the country.

If an officer searches and/or confiscates your laptop or cell phone, write down his or her name. If your device is confiscated, get a receipt for your property. You have the right to have a search of your items conducted in front of a supervisor, though making this request may cause delay.



What are my rights when officers conduct a personal search?

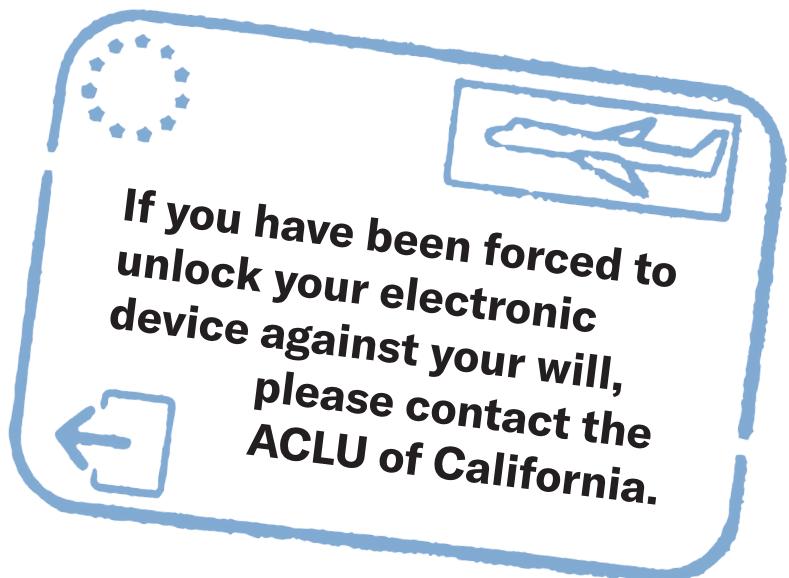
Officers can only do invasive strip-searches if they have **reasonable suspicion that you are involved in criminal activity.** Strip-searches must be done in a private area.

Officers can't pull you aside for secondary screening based on race, religion, or ethnicity, but this is difficult to enforce in practice.



Do I have to give my fingerprints?

Yes. All visitors and lawful permanent residents are fingerprinted on entry into the United States from abroad.





Do I have to remove my religious head covering?

You should **assert your right to wear your religious head covering** if asked to remove it before going through airport security screening.

If an alarm goes off, however, airport security officers may request additional screening. They may then conduct a pat-down of your religious head covering or ask you to remove it. You have the right to request that the pat-down or removal be conducted by a person of your gender and that it occur in a private area.

If you do not want CBP or Transportation Security Administration (TSA) officers to touch your religious head covering, you must refuse and say that you would prefer to pat down your own religious head covering.

You will then be taken aside and a TSA officer will supervise you as you pat down your religious head covering. After the pat-down, the TSA officer may rub your hands with a small cotton cloth and place it in a machine to test for chemical residue. If you pass this chemical residue test, you should be allowed to proceed to your flight.

If the TSA officer insists on the removal of your religious head covering, you have a right to ask that it be done in a private area. Officers may not conduct additional screening based solely on your race, national origin, religion, gender, ethnicity, or political beliefs.



What if government officials ask me to sign a document?

Government officials should not pressure you to sign any documents giving up your authorization to travel to or enter the U.S. If you are given a form to sign, make sure to read it thoroughly before signing, and **do not sign the form if it asks you to give up any rights that you wish to exercise.**

If the form is in a language you do not understand, ask for someone to translate it for you. You can also ask for a lawyer, although government officials may not grant this request.



What if I am afraid to return to the country I came from?

If you are told you cannot enter the U.S. and fear you might be persecuted or tortured if sent back to the country you traveled from, you can tell the official about your fear and **ask for asylum**. This may prolong the period of time that you are held, but it will also mean that you will not immediately be sent back to your country.



Can a pilot order me off the plane?

Yes. The pilot of an airplane 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 of you, not stereotypes. If you are unfairly ordered off a plane, you can file a complaint with the airline or contact the ACLU of California at one of the numbers listed below.



What should I do if I believe I have been added to a “no fly” or other national security list?

If you believe you have been placed on the “No Fly List” because you were denied the right to board a plane, please consult this guide and follow the procedures described there: <https://www.aclu.org/know-your-rights/what-do-if-you-think-youre-no-fly-list>.

You can also fill out a survey about your experiences if you were denied boarding: <https://action.aclu.org/secure/survey-denial-boarding-outside-us>. If you believe you were mistakenly placed on the “terrorist watch list” because you are regularly sent to secondary inspection or you see the label “SSSS” on your boarding pass, you can fill out a TSA form at <http://www.tsa.gov/travelers/customer/redress/index.shtml>.

If you believe any of your rights were violated at an airport or land Port of Entry in California, please contact the ACLU of California.

For Los Angeles International (LAX) and other Southern California airport complaints:
(213) 977-5253
<https://aclusocal.org/help>

For San Francisco International (SFO), Oakland (OAK), FAT (Fresno), and any other Northern California airport complaints:
(415) 621-2488
<https://www.aclunc.org/our-work/get-help>

For San Diego International (SAN) Airport complaints, or complaints related to any land Port of Entry from Mexico to California:
(619) 232-2121 ext. 67
<https://www.aclusandiego.org/legal/request-legal-assistance/>