

KNOW YOUR RIGHTS

Enforcement at the Airport

Learn about your rights when encountering law enforcement at the airport.



What types of law enforcement officers could I encounter when entering or leaving the United States?

At the border, you are likely to encounter Customs and Border Protection (CBP) officers, and you may encounter Homeland Security Investigations (HSI) agents. HSI is part of U.S. Immigration and Customs Enforcement (ICE).

In other languages

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If I am entering the U.S. with valid travel papers, can law enforcement officers stop and search me?

Generally, customs officers may stop people at the border to determine whether they are admissible to the United States, and they may search people's belongings for contraband. This is true even if there is nothing suspicious about you or your luggage. The government believes this authority to search without individualized suspicion extends to searches of electronic devices such as laptops and cell phones, but that is a contested legal issue. Officers may not select you for a personal search or secondary inspection based on your religion, race, national origin, gender, ethnicity, or political beliefs.

Can border officers ask questions about my immigration status?

Customs officers have the authority to ask your immigration status in order to determine whether you have the right to enter the country. If you are a U.S. citizen, you need only answer questions establishing your identity and citizenship, although refusing to answer routine questions about the nature and purpose of your travel could result in delay and/or further inspection. If you are a lawful permanent resident (LPR) who has maintained your status, you only have to answer questions establishing your identity and permanent residency. Refusal to answer other questions will likely cause delay, but officials may not deny you entry into the United States for failure to answer other questions. If you are a non-citizen visa holder or visitor, you may be denied entry into the United States if you refuse to answer officers' questions. Officers may not select you for questioning based on your religion, race, national origin, gender, ethnicity, or political beliefs. If you are told you cannot enter the country and you fear you might be persecuted or tortured if you are sent back to

the country from which you traveled, you should tell the customs officer about your fear and ask for asylum.

Can U.S. customs officers ask questions about my religious beliefs and practices or political opinions?

Religious and political beliefs and associations are protected by the First Amendment. Customs officers have sometimes asked travelers about their religious affiliation, religious practices, association with religious institutions, and political opinions. The travelers targeted for such questioning have often been Muslim. Questioning individuals about their religious and political beliefs, associations, and practices can infringe upon rights guaranteed by the Constitution and federal law – these rights are not surrendered at the border. If you are a U.S. citizen or lawful permanent resident, you do not have to answer questions about your religious beliefs and practices or political opinions, and you cannot be denied entry to the United States for declining to answer such questions. If customs officers persist in asking you such questions, you can request to see a supervisor. If you are a non-citizen visa holder or visitor, you may decline to answer general questions about your religious beliefs and political opinions, but doing so may lead to delay or additional questioning, or possibly denial of your entry into the country. If you are told you cannot enter the country and you fear you might be persecuted or tortured if you are sent back to the country from which you traveled, you should tell the customs officer about your fear and ask for asylum.

Do I have to provide my fingerprints when entering the country?

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

If I am selected for a longer interview when I am coming into the United States, what can I do?

Your legal status in the country may inform what you decide to do if you are selected for longer questioning when entering the United States. U.S. citizens have the right to enter the

United States, so if you are a U.S. citizen and the officers' questions become intrusive, you can decline to answer those questions, but you should be aware that doing so may result in delay and/or further inspection. The same is true for lawful permanent residents: you generally cannot be denied entry to the United States, but declining to answer questions may result in delay or further inspection. Refusal by non-citizen visa holders and visitors to answer questions may result in denial of entry.

If the officers' questions become intrusive or improper, you should complain and ask to speak to a supervisor. (This goes for citizens, lawful permanent residents, or non-citizen visa holders and visitors.) Although CBP takes the position that you are not entitled to an attorney during primary and secondary inspection, we encourage you to have the telephone number of an attorney or legal services organization with you and ask to contact them if you feel your rights are being violated or if you have been detained for an unusually long period. For anyone attempting to enter the United States, if a customs officer or border agent informs you that you are under arrest, or if it becomes clear that he or she suspects you have committed a crime, you should ask to speak to a lawyer before answering any further questions — and if you wish to exercise your right to remain silent, you should say so out loud.

Do I have to provide my laptop passwords or unlock my mobile phone for law enforcement officers at the border?

Customs officers have sometimes asked travelers to provide their laptop passwords or unlock their mobile phones when they are entering or leaving the United States. Your legal status in the country may inform what you decide to do if you're asked for a password to unlock your device. U.S. citizens cannot be denied entry to the United States for refusing to provide passwords or unlocking devices. Refusal to do so might lead to delay, additional questioning, and/or officers seizing your device for further inspection. The same should be true for those who have previously been admitted to the U.S. as lawful permanent residents and have maintained their status — their green cards can't be revoked without a hearing before an immigration judge. Visa holders and tourists from visa waiver countries, however, run the risk of being denied entry if they refuse to provide a password, and they should consider that risk before deciding how to proceed. If an officer searches and/or confiscates your laptop or cell phone, get a receipt for your property.

For more advice on electronic device searches at the border, click here:

<https://www.aclu.org/blog/free-future/can-border-agents-search-your-electronic-devices-its-complicated>

What if I am selected for a strip search at the border?

A strip search at the border is not a routine search. It must be supported by “reasonable suspicion” and must be done in a private area.

What types of law enforcement officers and other government officials could I encounter during the security screening process at the airport?

At airports, Transportation Security Administration (TSA) officers conduct security screenings. Most TSA officers are not commissioned law enforcement officers, and their role is to conduct screening of passengers, baggage and cargo. TSA screeners can search you and your baggage at screening checkpoints, but they cannot arrest you. Other law enforcement officers, such as airport police, are present at airports.

Can my bags or I be searched after going through metal detectors with no problem or after security sees that my bags do not contain a weapon?

Yes. Even if the initial screening of your bags by TSA reveals nothing suspicious, the screeners have the authority to conduct a further search of you or your bags. Screeners may not select you for a personal search or secondary inspection based on your religion, race, national origin, gender, ethnicity, or political beliefs.

What if I wear a religious head covering and I am selected by airport security officials for additional screening?

You have the right to wear your 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 occurs in a private area.

If you do not want the TSA officer 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 I am traveling with children?

You may opt your children out of an airport scan. However, there is no exemption for children from the pat-down search. Children under 13 years old may leave their shoes, light jackets, and headwear on during screening.

What if I am traveling with breast milk or formula?

Parents and caregivers flying with and without children are permitted to bring breast milk and formula (and ice packs or other accessories required to cool the breast milk or formula) in quantities greater than three ounces, as long as you notify the officers about the items at the security checkpoint. When carrying breast milk or formula through the checkpoint, they will be inspected. TSA officials may test the liquids for explosives. TSA officials may ask you to open the containers during the screening process. Breast milk and formula, along with other liquids and gels, may also be packed in your luggage and checked with your airline.

If I am on an airplane, can an airline employee interrogate me or ask me to get off the plane?

An airline pilot may refuse to fly a passenger if s/he reasonably believes, based on observation, that the passenger is a threat to flight safety. A pilot may not, however, question you or refuse to allow you on a flight because of biased stereotypes, including any based on your religion, race, national origin, gender, ethnicity, or political beliefs.

What do I do if I am questioned by law enforcement officers every time I travel by air and I believe I am on a “no-fly” or other “national security” list?

If you believe you are mistakenly on a list, you should contact the TSA and file an inquiry using the [Traveler Redress Inquiry Program](#). More information is available [here](#). If you think there may be some reason for why you have been placed on a list, you should seek the advice of an attorney.

Referral Contact Information

American-Arab Anti-Discrimination Committee (ADC)

(202) 244-2990

www.adc.org

American Immigration Law Foundation (AILF)

(202) 742-5600

www.aif.org

American Immigration Lawyers Association (AILA)

(800) 954-0254

www.aila.org

Council on American-Islamic Relations (CAIR)

(202) 488-8787

www.cair.com

Mexican American Legal Defense and Educational Fund (MALDEF)

(213) 629-2512

www.maldef.org

National Lawyers Guild (NLG)

(212) 679-5100

www.nlg.org

National Immigration Law Center (NILC)

(213) 639-3900

www.nilc.org

NAACP Legal Defense and Education Fund (NAACP LDF)

(212) 965-2200

www.naacpldf.org

National Immigration Project

(617) 227-9727

www.nationalimmigrationproject.org

Puerto Rican Legal Defense and Education Fund (PRLDEF)

(800) 328-2322

www.prldef.org

South Asian American Leaders of Tomorrow (SAALT)

(310) 270-1855

www.saalt.org

U.S. Commission on Civil Rights (UCCR)

(800) 552-6843

www.usccr.gov
