



# KNOW THE FACTS *and* KNOW YOUR RIGHTS

For Arab, Middle Eastern, Muslim and South Asian Communities

## RIGHTS AT AIRPORTS AND BORDERS: SEARCHES

**Generally, CBP officers may stop, detain, and search any person or item at the border.** The law is currently unsettled about whether border officials can search electronic devices without probable cause or a search warrant. Officers, however, may not select you for a personal search or secondary inspection based solely on your religion, race, national origin, gender, ethnicity, or political beliefs.

*Note: 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.*

**U.S. citizens cannot be denied entry to the U.S. for refusing to produce passwords, provide device access, submit electronic devices for a search, or for refusing to answer questions unrelated to establishing the person's citizenship or identity (or customs-related questions).** Lawful permanent residents who have previously been admitted to the United States and have maintained their status also can't be denied entry solely for refusing to provide access to a device. However, 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.

### THINGS YOU CAN DO TO PROTECT YOUR DIGITAL DATA

- ◆ Consider leaving your main devices at home and using a temporary device for travel.
- ◆ Encrypt and back up your device's data to a cloud-based service and erase sensitive data from the device before transiting across the border. Once you arrive at your destination, you can download the backup and restore your data.
- ◆ Encrypt your digital devices and use a strong passcode; do not use fingerprint or face/voice unlock.
- ◆ Shut down your devices before arriving at the border checkpoint (do not just put the devices to sleep).

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## CONTINUED Rights at Airports and Borders: Searches

**Lawful Permanent Residents (LPRs) only have to answer questions establishing their identity and permanent residency** (in addition to customs-related questions). Refusal to answer other questions will likely cause delay, but officials may not deny 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 or sign anything you do not understand!

**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.** If an officer searches and/or confiscates your laptop or cell phone, write down their name. If your device is confiscated, ask for a receipt for your property.



**FOR LEGAL ASSISTANCE, PLEASE CONTACT**



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