



INTERNATIONAL REFUGEE ASSISTANCE PROJECT + CAIR NEW YORK

**KNOW YOUR RIGHTS AT THE AIRPORT**

**You're about to enter the U.S. This brochure serves to inform you of your rights as you pass through immigration and customs.**

IRAP's airport hotline is [airport@refugeerights.org](mailto:airport@refugeerights.org). CAIR-NY's hotline is **646-665-7599**.

*Disclaimer: This "Know-Your-Rights Guide" is meant to provide a high-level overview for informational purposes only and is not meant to provide legal advice. For legal assistance, we recommend contacting the service providers listed above.*

**What happens when I arrive at the airport in the U.S.?**

After you arrive at the airport, you must first pass inspection by a U.S. Customs and Border Protection ("CBP") officer. After getting off the plane, follow signs to the immigration inspection area. There might be separate lines for U.S. citizens, lawful permanent residents ("LPRs"), and other travelers. Travelers are generally prohibited from using their phones in the immigration inspection area so you should make sure to give a trusted family member or friend your itinerary before traveling to the U.S. After you land, while your airplane is taxiing, quickly text this contact to confirm you arrived. Tell them that you're about to go through CBP inspection and that they should contact the listed service provider unless you're released in 2 hours.

After passing through immigration, you will collect any checked luggage at baggage claim. Once you have all your bags, follow signs to customs and to exit the airport.

**What happens at immigration inspection?**

The initial questioning at the CBP officer's booth is called "primary inspection." The CBP officer has the authority to determine whether you are a U.S. citizen and if not, whether you have the right to enter the country. You must show your passport and/or immigration documents to show that you have lawful immigration status to enter the U.S. If you are a U.S. citizen, you may be asked about the purpose of your trip and/or the countries you visited. Although you have the right to enter the country once you have established your citizenship, declining to answer these questions may delay your travel. If you're a LPR or visa holder, you may be asked questions relating to your immigration documents, like why you are visiting the U.S. and who you will be staying with. Visa-holders, LPRs, and travelers authorized by the Electronic System for Travel Authorization will also be fingerprinted and photographed. If the CBP officer at primary inspection decides that additional questions need to be asked, the officer will take you to secondary inspection for more detailed questioning.

**What happens at secondary inspection?**

Secondary inspection involves going to another room where you will be asked more questions. Travelers generally cannot use their phones in the secondary inspection room. CBP standards require officers to treat you with dignity and respect in all interactions, so note the name of any discourteous officers and report it to the service providers listed above.

If you have difficulty communicating in English, you have the right to request an interpreter. If you have any health conditions that require access to medications, please make sure to tell CBP officers. CBP must also provide you with access to food and water when necessary and allow bathroom access accompanied by a CBP escort.

If you are a U.S. citizen and have established your citizenship, you have the right to enter the U.S. This means that you can decline to answer the officer's questions, though doing so may delay your entry to the U.S. If you are a visa-holder or LPR, you have the same right to remain silent, but if you refuse to answer the officer's questions, you may be denied admission to the U.S.

If you choose to answer the CBP officer's questions, it's essential that you tell the truth. Lying to a federal law enforcement officer is a serious felony, punishable by up to 8 years in prison.

Even the smallest lie can quickly alter your life, even if you haven't committed any other crime. At the same time, remember that CBP and other law enforcement officers have given false information to travelers about their rights or even the content of the documents the officers provided.

Although CBP takes the position that you do not have the right to an attorney during secondary inspection, you can request to contact your attorney, though doing so may result in further delays. If you'd like to contact your attorney, show the CBP officer any documentation indicating that the attorney represents you, such as a DHS Form G-28. This is especially important if you are asked to sign any documents. In the past, travelers have been tricked into signing Form I-407, relinquishing their LPR status, thinking the forms were just routine. If you haven't yet contacted an attorney, you can request representation from the service providers listed above. CBP concedes that you have the right to an attorney if you are arrested on suspicion of committing a crime. If you have been held for 2 hours or more and denied a phone call, you should request again a call to an attorney or trusted contact.

### Will my belongings be searched?

CBP has the authority to inspect your luggage at the border and takes the strongly contested position that this authority extends to inspecting the contents of your electronic devices, such as cell phones and laptops. While you are required to hand-over your electronic devices, you are not required to provide the password. U.S. citizens may be delayed in secondary inspection if they refuse, but visa-holders and LPRs who refuse to provide the password may be refused entry to the U.S. Generally, CBP will have the ability to "crack" (force-open) electronic devices unless they are secured with appropriate full-disk encryption, although some full-disk encryption can also have vulnerabilities. Additionally, if you secure your electronic device with biometric ID (fingerprint, iris scan, etc.), CBP may be able to force you to unlock your device.

CBP also takes the position that it can seize electronic devices for "custodial searches," which are off-site inspection of electronics that can last up to thirty days. During this time, CBP may access apps and accounts associated with the device, though it is unclear if CBP will search information from cell phones, laptops, or other electronic devices that is solely in "cloud" (server-based) storage. If your device holds any communications containing or requesting legal advice, tell your attorney that CBP has taken a device with those communications. Many travelers are choosing to avoid potential device searches by purchasing disposable electronic devices for their trips.

### What if I am denied entry to the U.S. and would face threats or persecution in my country of origin?

If you are denied entry to the U.S. and fear you might be persecuted or tortured if you are sent back to the country from which you traveled, such as if you are a Special Immigrant Visa holder or a refugee, you can ask the CBP officer to exercise their authority to allow you to enter the U.S. through a program called parole. If you are denied parole, you can state that you fear being returned to your country and ask for a credible fear interview. While you wait for your credible fear interview, you may be put in another detention facility. When awaiting a credible fear interview, you have the right to contact an attorney. You have the right to consult with an attorney to prepare for the interview and to bring your attorney with you to an interview over the phone or in person.

### What can I do if I believe my rights were violated?

If you believe your rights may have been violated – for example you were harassed, detained for a long time, or asked about your religious affiliation – **contact IRAP at [airport@refugeerights.org](mailto:airport@refugeerights.org) and CAIR at 646-665-7599.**

### What if I have upcoming travel planned?

Next time you travel, let IRAP know in advance at **[airport@refugeerights.org](mailto:airport@refugeerights.org)** or contact CAIR at **646-665-7599**. If you have an attorney, ensure that both you and your attorney have a signed copy of DHS Form G-28 showing that they are authorized to represent you and carry a copy with you. Also, make sure that a friend or family member is on-call to notify your attorney if you're being detained by CBP.

CUT HERE

**What to Do If You Are Approached by Law Enforcement, ICE, or the FBI:**

**1 Where?**

- At home: ask for warrant. If they do not have one, keep the door closed.
- At work: lead them away from your personal workspace.
- Over the phone: go to a quiet space.

**2 Ask**

Ask agent or officer for:

- Business Card
- OR
- Agency
- Name
- Phone
- Email

**3 Say**

Politely say: "I invoke my right to remain silent. My attorney will contact you."

You can keep the door closed. You have the right to say nothing else.

Contact CAIR-NY for free legal assistance

646.665.7599 | [info@cair.ny.com](mailto:info@cair.ny.com) | [www.cair-ny.org](http://www.cair-ny.org)

Disclaimer: This publication does not constitute legal advice