



KNOW YOUR RIGHTS:

FIRST-TIME ARRIVALS AT U.S. AIRPORTS

The International Refugee Assistance Project (IRAP) provides free legal help to refugees and displaced people. IRAP is not part of the U.S. government or IOM. This guide provides general information for non-resident foreign nationals arriving for the first time in the United States, including refugees, Special Immigrant Visa holders, humanitarian parolees, and people traveling on student, business, or other visas. It is not meant as legal advice for individual applications.

This information was revised in May 2019. Requirements may change.

Preparing for Your Trip

- Come up with a plan for contacting someone in the United States – your U.S. point person – as soon as possible after you land in the United States so that at least one person will know if you are detained at the airport. This person can be a family member or a friend.
 - Give the person your flight information, including the date, time, and airport where you will arrive.
 - Decide how you will contact the person. Will you call them using your cell phone? Will they be waiting for you at the airport?
 - Discuss with them an emergency plan for how they will respond if you are detained: Should they tell your story in the media? Should they ask for help from elected officials? Should they try to find a lawyer to file a case in court?
- Keep these documents with you in your carry-on luggage and not in your checked baggage:
 - Your passport and travel documents.
 - The contact information for your U.S. point person
 - This know-your-rights document

Before Reaching Immigration Inspection

When you first land in the United States, try to get in touch with your point person if it is possible. If you cannot send a message because you do not yet have phone service, try connecting to the airport's WiFi to send an email or a text. Once you

reach the immigration and customs area, you will generally not be allowed to use your cell phone.

Going through Immigration Inspection

After getting off the plane, you will get in line for the primary inspection point. At the primary inspection point, give the officer your travel documents. You may be asked questions relating to your travel documents, like why you are visiting the country and who you will be staying with. ANSWER QUESTIONS TRUTHFULLY.

You will be fingerprinted and photographed. The United States claims the right to inspect all property you bring in to determine whether you should be allowed into the country. This means that officers might ask to look at the files, videos, or photos that are stored on your electronic devices like cell phones and laptops and might even ask to keep the devices for a longer inspection. Although you can refuse to give them your devices or passwords, if you do you may be refused entry to the United States.

At this point it is possible that officers will decide to take you to secondary inspection for more questions. If you are taken to secondary inspection, you will be brought to another room. You have the right to access food, water, a space for prayer, and the bathroom while you are waiting. You should tell the officers if you need access to medications. If you are waiting in secondary screening for over two hours, ask to be allowed to call your U.S. point person.

DO NOT SIGN ANY DOCUMENTS THAT YOU DO NOT UNDERSTAND. You have the right to request an interpreter if you have difficulty communicating in English.

Please contact your U.S. point person as soon as you have been released from inspection so that they know whether you have cleared inspection or if you are being detained.

Claiming Asylum If It Appears That You Will Be Denied Entry

If you are denied entry into the United States and you fear harm if you are returned to your country, you may have the right to apply for asylum in the United States.

Claiming asylum means claiming that you meet the definition of a refugee after you have arrived in the United States. A refugee is someone who has a fear of

persecution or has suffered past persecution due to race, religion, nationality, membership in a particular social group, or political opinion. If you are entering the United States as a refugee or as a Special Immigrant Visa holder from Afghanistan or Iraq, you likely already met the definition in getting your travel documents. If you are traveling with your family members, you can include your spouse and children on your asylum application.

If it appears likely that you will be denied entry and you want to stay in the United States to claim asylum, tell the officer that you are afraid of returning to your country and that you have a right to a “credible fear interview” where you can show that you have a significant possibility of eligibility for asylum.

Once you have expressed a fear of returning your home country, you cannot be deported from the country. You will be either held at the airport or taken to another detention facility until the credible fear interview takes place. Reach out to your U.S. point person at this point if you have not already and ask them to find an attorney. Use the waiting period before the credible fear interview to talk to an attorney and prepare for the interview.

The credible fear interview may be in-person or it may happen over the phone. You have the right to bring an attorney with you to your in-person interview or to have an attorney participate on the phone in your telephonic interview.

Once you pass the credible fear interview, you can apply for asylum before an immigration judge. While you apply for asylum, you may continue to be held in detention. You could ask for release from detention through parole. Under the current policy, people who have passed the credible fear interview may be released on parole if they establish their identity, that they will come to their immigration hearings, and that they are not a danger to the community.