IF FLAGGED FOR SECONDARY SCREENING

- Keep calm. You should answer these questions truthfully, but do not volunteer any additional information. Airport officials or other law enforcement agents, may also try to pry into your religious or political views, and whether you know particular individuals. These questions are inappropriate and beyond the scope of their authority.
- Document the encounter: Time, names, badge numbers, what was said, and any items taken.
- If you feel you were targeted based on religion, race, or origin, file a complaint with the Department of Homeland Security's Traveler Redress Inquiry Program (or DHS TRIP)
- Were you detained? You or your name may be on the Watchlist. If you're a citizen, say: "I will not answer any questions at this time."
- Inclusion on the no-fly list prevents individuals from flying at all. If you can board an aircraft, even after extensive screening, you are not on the no-fly list, but could still be on the watchlist.
- If officials insist that you answer such questions, ask to speak with your attorney. While the authorities are not obligated to allow your attorney to be by your side at the airport when you are being questioned, you may be able to speak to them over the phone, or remain silent until you are released.

IMMIGRATION CONSEQUENCES

- If you are a green card holder, the duration of your trip can impact the level of scrutiny you face at the border and immigration status.
  - If you know you will be traveling for over 6 months, contact your attorney about your options beforehand.
- Immigration agents often detain undocumented individuals, even if traveling domestically.
  - If this occurs, do not answer any questions.
  - If you have an immigration court case, you should carry a copy of your next hearing notice when you travel.
- If you are traveling on a visa, border patrol has the discretion over whether or not to admit you.
  - Consult your attorney before any travel if you have concerns about answering questions.

CONTACTS

- If you are constantly subjected to advanced screening, or prevented from flying, file a complaint with the DHS at dhs.gov/trip
- Report to CAIR-NJ online: cair-nj.org/report
- Note: If you are not a citizen, you should memorize your immigration lawyer's phone number and your emergency contacts.

Disclaimer: This material is for educational purposes only and does not constitute legal advice.

CAIR NEW JERSEY

AIRPORT & TRAVEL

KNOW YOUR RIGHTS

Airports can be stressful places, especially for marginalized travelers. You still have rights—even in transit. Stay calm, remember the rules, and protect yourself.

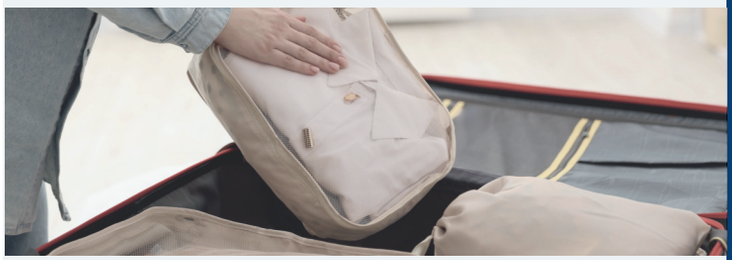
NJSBF

This project was originally co-sponsored by the New Jersey State Bar Foundation and made possible through funding from the IOLTA Fund of the Bar of New Jersey.

cair-nj.org

BEFORE YOU FLY

- Speak with an immigration attorney if you have a pending case or plan to be abroad for 6+ months.
- For domestic travel, bring an accepted government-issued ID (REAL ID, or passport are acceptable)
- For international travel, you must bring a valid passport.
  - Note: Many countries require more than six months validity on a passport to allow entry.
- For non-citizens, you should carry your Green Card, visa, as well as other relevant documents (I-94 or I-20).
- Print your flight details and emergency contacts.
- Avoid traveling with sensitive data on devices.



AT THE AIRPORT

- CBP can ask about your trip (purpose, length, destination), but you do not have to answer questions about religion, politics, or associations if you are a citizen or permanent resident.
- Say: "I'm not comfortable answering those questions", and if pressured, say "I'd like to speak to my lawyer." or "I will only answer further questions with a lawyer present."
- You may be questioned before boarding or at customs after international travel.
- If detained, CAIR-NJ can call CBP to advocate for the release of individuals. Let us know before you travel or what occurred after at cair-nj.org/report
- The U.S. government maintains watchlists. A person on a watchlist may not be allowed to fly at all, or that person may be subjected to additional scrutiny and screening during travel, held upwards of multiple hours.

DEVICE SEARCH

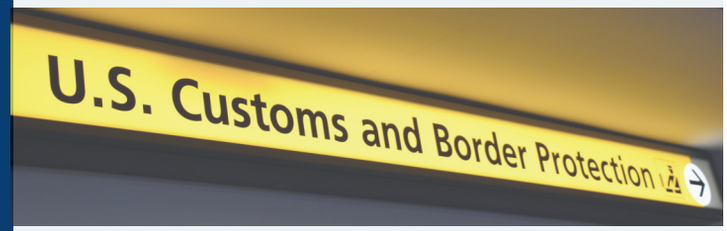
- CBP conducts two types of searches: Basic and Advanced, the latter requiring reasonable suspicion and supervisor approval.
- While travelers (including U.S. citizens) cannot be forced to give passwords, refusal may result in detention or seizure of the device. However, your device can be seized anyway even if you give the password.
  - The 4th Amendment protects you from unreasonable search and seizure, but all searches and seizures are considered reasonable at a port of entry. Border searches are legal under CBP authority. While the 4th Amendment applies, its protections are limited at the border.
- CBP policy prohibits officers from accessing content stored only in the cloud — unless the traveler logs in and accesses it during the inspection. CBP Officers may not use your device to access information that is solely stored remotely.
- If your device is taken, ask for a receipt and write down the officer's name and badge number.
  - Ask for the official's full name, agency, badge number, and identification and write down that information.
  - Never try to remote-erase your device while it's in CBP custody.
- Ask that bag searches happen in front of you.
- CBP does not automatically retain all data from device searches. However, personal, travel, and device data obtained may be stored for up to 15 years or more and shared with law enforcement agencies.

PAT-DOWN SEARCH

- All passengers must undergo a security search but you may be selected for additional search.
- If the airport has full body scanners, you may choose between the scan or a pat-down by an agent of the same gender.
  - You have the right to ask for the search to be conducted in a private area.
  - You have the right to ask for an officer of the same gender to view your scan image.
  - You are allowed to request a family member or friend if you wish to be searched in a private area.
- If an official asks you to remove religious clothing, such as a hijab, you can ask for a wand to be waved over that area instead.
- If they insist, you have the right to remove it in a private area in front of an agent of the same gender.

BEST PRACTICES FOR QUESTIONING

- If possible, consider traveling without your electronic devices altogether or carry a device used only for travel – an alternative phone.
  - If that is not possible, secure your device by activating full-disk encryption, a strong password, and disable facial recognition & fingerprint unlock beforehand.
- Do NOT give your passcode to officers.
  - Providing passwords potentially waives your rights regarding the personal information on your devices, and may just increase likelihood of interest or seizure.
- U.S. citizens and green card holders do not need to answer questions beyond identity, immigration status, purpose of travel, and customs (what are you carrying with you).
- Visa holders: You must answer questions, but you can try to filter your responses and say you are not comfortable.
- Avoid international travel if you're a noncitizen and at risk (pending status, asylum, undocumented).
- Help your family plan ahead if they are abroad and eligible to travel to the U.S. now (they were granted a visa or green card). Encourage them to follow our "Before You Fly" tips.



AS AN AIRLINE PASSENGER

- If another passenger is harassing you, contact an attendant and ask to be moved.
- If you believe you have been treated in a discriminatory manner by airport or airline personnel, document all their information and any witnesses.