

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 reasonable suspicion. **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.

THINGS YOU CAN DO TO PROTECT YOUR DIGITAL DATA

- Encrypt and back up your device's data to a **cloud-based service** and completely erase 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**.
- **Shut down** your devices before arriving at the border checkpoint (do not just put the devices to sleep).

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U.S. citizens cannot be denied entry to the U.S. for any reason, including for refusing to produce passwords, provide device access, or submit electronic devices for a search, including for refusing to answer questions unrelated to establishing the person's citizenship. 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.

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!

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 his or her name. If your device is confiscated, get a receipt for your property.