

Tips for Travelers Returning to the United States

Some U.S. citizens and immigrants are facing extensive questioning, intrusive luggage searches, and lengthy delays each time they return to the United States after traveling abroad. In particular, Muslims, South Asians, people of Middle Eastern origin, Filipinos, and others traveling from parts of Asia and the Middle East seem to be experiencing special scrutiny, both at airports and land border crossings, usually by U.S. Customs and Border Protection agents.

The tips below are geared towards U.S. citizens, permanent residents, foreign students, and others lawfully living in the United States who may be experiencing such questioning and searches as a result of the government's broad national security investigations at U.S. borders.

Before You Travel:

- If you are not a U.S. citizen, see our [Travel Tips for Immigrants](#) and consider speaking with an immigration lawyer before you leave
- If you are a U.S. citizen but have been questioned in the past, consider getting a letter from your employer or school confirming who you are, and carry your business cards
- Make sure family or friends have your exact arrival information, in case you are held up and they need to locate you
- Tell people who are coming to pick you up at the airport that they do not need to answer questions about you from U.S. Customs and Border Protection agents
- Pack knowing that anything you have with you may be searched and could raise questions, including books, papers, laptop computers, check books, wallets, receipts, the contents of your pockets, cell phone SIM cards, and digital cameras
- Protect personal files or company data on your laptop computer through backing up your data at home or the office before traveling; encrypting data; using high-grade software to erase files; and/or sending sensitive data back to the United States in encrypted form, such as through a virtual private network

At the Airport or Land Border Crossing:

U.S. government officials are permitted to ask you questions to ensure that you are entitled to enter the United States, including questions about your immigration status, basic biographical information, where you have traveled, and what you are carrying with you. They also have authority to search your luggage. They cannot target you purely because of your race, ethnicity, or religion, but agents sometimes question and search people more if they are traveling from a country the government considers "high risk" for security reasons.

- If you feel you are being treated unfairly, stay calm and ask to speak with a supervisor
- Write down the names of agents questioning you, their agency affiliation, and badge numbers
- Ask why you are being selected for additional questioning or searches
- If you are asked questions that you believe are inappropriate, such as questions about your political views or religious associations, tell the agent and/or a supervisor that you do not feel the questions are appropriate. However:

- If you are *not* a U.S. citizen and you ultimately refuse to answer questions, it is possible that you may not be admitted
- If you *are* a U.S. citizen, it is our position that you cannot be barred from entering the country because you refuse to answer non-routine questions. However, the law is not clear on the consequences of refusing to answer questions, and you may be delayed or inconvenienced for refusing to answer
- If you fear that you are being questioned about possible criminal activity, ask to speak with a lawyer; if you are refused, you must decide whether to stay silent or answer questions. Staying silent may keep you from admitting to a crime, but may also lead you to be delayed or denied entry
- If your property was searched, ask whether any of your written materials were photocopied or any of your electronic files duplicated
- Make sure you receive a receipt for any property taken from you
- Remember that lying to a federal official can be a felony

Once You're Back:

If you feel you were treated unfairly:

- Write down your experience in detail as soon as possible
- Contact the Asian Law Caucus (415-848-7714 or shirins@asianlawcaucus.org) to report your experience -- *it's crucial that we hear from you so we can address this problem!*
- Try using the Department of Homeland Security's "TRIP" procedure for travelers who are repeatedly screened or mixed up with a watch list: www.dhs.gov/trip
- Seek help from your representative in Congress: <http://www.house.gov/writerep/>
- Write to U.S. Customs and Border Protection asking for information about you in the agency's files via a "Freedom of Information Act" request: see our [Requesting Records Under the Freedom of Information Act \(FOIA\) and Sample FOIA Letter](#)
- Submit a complaint to the Department of Homeland Security's Office of Civil Rights and Civil Liberties: http://www.dhs.gov/xabout/structure/editorial_0373.shtm