



UNITED CHINESE AMERICANS  
美國華人聯合會

## A PRIMER ON YOUR RIGHTS

### ❖ **Your Rights at Airport & US Border**

1. **The US Constitution guarantees to every US citizen an absolute and unqualified right to enter America;** the Constitution prohibits customs and border agents from performing stops, searches, detentions or removals based solely on religion, race, national origin, gender, ethnicity, or political beliefs;
  2. **Customs and Border Protection (CBP) officers have the authority to ask your immigration status when you are entering or returning to America or leaving the country;**
  3. If you are a lawful permanent resident returning from brief and innocent travel abroad, and you present your valid green card, you must be admitted into the country;
  4. If you are a non-citizen visa holder (that is, non green-card holder), you may be denied entry into the US if you refuse to answer officers' questions;
  5. **Generally, CBP officers may stop, detain, and search any person or item at the border.** However, it is legally unclear at this time if this power extends to laptops or cell phones, but in practice they sometimes do search such electronic devices;
  6. **US citizens cannot be denied entry to the US for any reason, including for refusing to produce passwords, provide device access, or submit electronic devices for a search. Lawful permanent residents cannot be refused entry in principle;**
  7. For all travelers, as a practical matter, refusal to provide a password might lead to delay, lengthy questioning, and/or officers seizing your device for further inspection;
  8. If an officer searches and/or confiscates your laptop or cell phone, write down his or her name, get a receipt for your property;
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9. There are practical steps you can take before traveling to protect your digital data. For detailed information see Electronic Frontier Foundation, "Digital Privacy at the US Border: "Protecting the Data on Your Devices and in the Cloud" or [www.eff.org/wp/digital-privacy-us-border-2017](http://www.eff.org/wp/digital-privacy-us-border-2017);
10. If you are a US citizen or green-card holder denied boarding in a foreign country due to apparent inclusion on the No Fly List or other watch list, the US government must help you return to the US on a commercial flight. For more information, visit: <https://www.aclu.org/know-your-rights/what-do-if-you-think-youre-no-fly-list>

❖ **Federal Bureau of Investigation "Voluntary Interviews"**

1. It is recommended that you speak to an attorney before speaking to the FBI;
  2. **You always have the right to remain silent; your refusal to talk to the agent cannot be used against you in court. To assert this right, say "I want to speak to a lawyer and to remain silent";**
  3. **Tell the truth or remain silent. Lying can be a crime;**
  4. You always, at any time, have the right to request an attorney's assistance; asking for an attorney cannot be used against you in court;
  5. If you are at home when contacted, an FBI agent is not permitted to enter your home unless they have a warrant or your consent to let them enter;
  6. If you have a cell phone with you, law enforcement agents are not allowed to search that device unless they have a warrant or unless
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you give them permission. If an officer insists, do not physically resist, but tell them politely, "I do not consent to a search of this device."

7. **Just because an FBI agent has contacted you does not necessarily mean that you have done anything wrong or even that you are under investigation;**
8. If you have a pending application for immigration benefits or if the FBI references any pending application, consult an immigration lawyer before answering any questions, see <https://www.aclusocal.org/en/CARRP>;
9. Law enforcement entities have been known to monitor social media posts, groups, and profiles available to the public. Acquaint yourself with the privacy settings of the social media services that you use. The default settings on some devices will make posts and profiles publicly visible by default.

#### ❖ **If You Are Arrested**

1. If you are arrested, the police have a right to search you and the area around you. However, you always should state politely and clearly, "I do not consent to a search."
  2. **The arresting officer should read you your Miranda rights before questioning you, which include your right to remain silent and your right to an attorney.**
  3. You have a right to ask for the officer's name and badge number.
  4. If you are arrested, the right behavior is: keep your hands where the police can see them; do not resist, run away or touch the police officer; stay calm and do not argue.
  5. The above dos and don'ts generally apply to your interactions with other federal and local law enforcement officials;
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The above information is prepared by ACLU, Asian American Advancing Justice, Electronic Frontier Foundation, and UCA.

❖ **You can contact ACLU or ALC to report your case or request free legal advice. Your next steps:**

➤ Advancing Justice-Asian Law

Caucus 415-848-7714

<http://advancingjustice-alc.org>

➤ American Civil Liberties Union of Northern

California 415-621.2493ext.339

<http://aclunc.org>

➤ United Chinese Americans (UCA)

[Info@ucausa.org](mailto:Info@ucausa.org)

(UCA may refer you to other institutions or legal directory. ACLU and ALC have staff attorneys who can help you in person)

➤ ACLU:

<http://www.advancingjustice-alc.org/wp-content/uploads/2017/06/Stopped-by-Police-Immigration-Agents-or-FBI-English.pdf>

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