



The ACLU's Border Litigation Project investigates, documents, and litigates civil and human rights violations in the U.S.-Mexico border region.

KNOW YOUR RIGHTS WITH BORDER PATROL

U.S. Customs & Border Protection ("CBP"), which includes the U.S. Border Patrol, claims authority to conduct operations as far as 100 miles inland from the border. In reality, there are many important legal limitations on what CBP can do. Know your rights!



ON PRIVATE PROPERTY

Border Patrol cannot go onto **private land** more than 25 miles north of the border without a warrant or consent. Agents may enter onto private land without a warrant within 25 miles of the border.

Border Patrol agents **cannot enter a home or dwelling** on private land **anywhere** without a warrant or consent.

Border Patrol should not cause physical damage to private property.



IN THE CAR

Border Patrol "roving patrols" cannot pull over vehicles to question occupants about their immigration status **unless** agents have a "reasonable suspicion" of an immigration violation or crime. Reasonable suspicion is more than just a "hunch."

Generally, the further you are from the border, the less likely it is that agents will have "reasonable suspicion" of an immigration violation to justify a stop.

Agents should always be able to explain the reason for a stop to the driver.

In California and Arizona, it is illegal for Border Patrol to rely on the race or ethnicity of a driver or passenger to justify a stop.

- Border Patrol cannot search the interior of a vehicle without the owner's consent or "probable cause" (that is, a reasonable belief, based on the totality of the circumstances, that an immigration violation or crime likely is occurring or has occurred).
- Agents can obtain probable cause for a search if a drug-sniffing dog legitimately "alerts" to the presence of drugs. If Border Patrol uses a drug-sniffing dog and falsely claims the dog has alerted to the presence of drugs or contraband in your vehicle, record as much information about the incident as possible and report it to the ACLU.



AT CHECKPOINTS

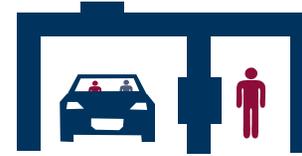
Border Patrol may stop vehicles at certain checkpoints to do two things: 1) ask a few, limited questions **to verify citizenship or immigration status** of the vehicles' occupants and 2) visually inspect the exterior of a vehicle.

Agents may send any vehicle to a secondary inspection area for the same purpose: brief questioning and visual inspection.

Agents should not ask questions unrelated to verifying citizenship or immigration status, nor can they hold you for an extended time without cause.

Even though you always have the right to remain silent, if you don't answer questions to establish your citizenship or immigration status, officials may detain you longer to verify this information. You may refuse to answer other questions.

NEVER FLEE A CHECKPOINT!



AT BORDER CROSSINGS

Agents at Ports of Entry may question people about their citizenship and what they are bringing into the country.

Even though you always have the right to remain silent, if you don't answer questions to establish your citizenship, officials may deny you entry into the U.S. or detain you for search and/or questioning.

Agents may search any person, the inside of any vehicle, and all passenger belongings. Agents **do not need a warrant**, any suspicion of wrongdoing, or consent to do any of these things at a Port of Entry.

Agents at Ports of Entry:

- cannot use excessive force
- cannot conduct more intrusive searches (like strip searches) or detain an individual for an extended period unless they have "reasonable suspicion" of an immigration violation or crime
- should not damage personal property during an inspection

Note: The government asserts that agents don't need any suspicion to search personal electronic devices like computers and phones. Agents do, however, have to have reasonable suspicion to hold a device for an extended period of time or to conduct invasive searches of that device.



IN JAIL OR DETENTION

If you are detained, you have the right to remain silent and the right to speak to an attorney. If you are a citizen of another country, you also have the right to speak with your consulate.

You may be asked where you were born, how you entered the U.S. or how long you've been here. **You don't ever have to answer those questions. Your responses may be used to detain and deport you.**

Do not sign anything without talking to a lawyer. If you are not a U.S. citizen, signing certain documents may mean you are giving up your opportunity to try to stay in the United States.

If you feel your rights have been violated,

CONTACT THE ACLU.

CALL US

(619) 398-4187

WEBSITE

www.aclusandiego.org/BLP

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REMEMBER

- If you are stopped, detained, or harassed by Border Patrol, try to get the agent(s)' name, badge number, and any other identifying information you can.
- If you are detained or arrested by **any** law enforcement officials, you have the **right to remain silent** and the right to speak to an attorney. You do not have to provide information about where you were born, how you entered the United States, or how long you have been here.
- It is **NOT** against the law to videotape or record interactions with Border Patrol on private property, in vehicle stops, and at checkpoints. CBP prohibits videotaping or recording anything on government property at a Port of Entry.
- Never provide fake documents or say you are a U.S. citizen if you are not. **It is a federal crime to lie to a federal officer.**
- Border Patrol may board buses and trains to question individuals about their citizenship. Other than at Ports of Entry, agents boarding buses and trains **may not search or even pat down** luggage without consent or probable cause.
- Refusing a search does not give agents probable cause for a search.
- If you are approached on the street or in a public place away from the border, you do not have to answer agents' questions or provide identification. Ask if you are free to go. If you are not free to go, you are under arrest and have the right to remain silent.



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