

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. However, as with all U.S. law enforcement agencies, there are many important legal limitations on what CBP can do.



ON PRIVATE PROPERTY

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

However, 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.

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” (a reasonable belief, based on the circumstances, that an immigration violation or crime has likely 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.



AT CHECKPOINTS

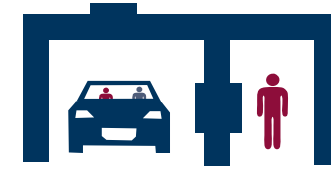
Border Patrol may stop vehicles at certain checkpoints to: (1) ask a few, limited questions to verify citizenship of the vehicles’ occupants and (2) visually inspect the exterior of a vehicle.

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, 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, officials may detain you longer in order to verify your immigration status.

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 to 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.

CBP’s own policy requires that searches be “conducted in a manner that is safe, secure, humane, dignified and professional.”

Agents at ports of entry:

- Cannot use excessive force.
- Cannot conduct more intrusive searches such as strip searches or repeated detentions unless they have “reasonable suspicion” of an immigration violation or crime.
- Should not damage personal property during an inspection.



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 U.S.

If you have footage of a CBP checkpoint in NH, please email it to ACLU of NH at immigration@aclu-nh.org.

ACLU
New Hampshire

