

KNOW YOUR RIGHTS: INTERIOR BORDER PATROL CHECKPOINTS



- So long as the checkpoint's location and purpose satisfy the Fourth Amendment, Border Patrol may BRIEFLY 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.
- 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).¹
- 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 period of time without at least reasonable suspicion that you committed an immigration offense or violated federal law for their actions to be lawful. If you are held at the checkpoint for more than brief questioning, you can ask the agent if you are free to leave.
- You always have the right to remain silent.
- However, if you don't answer questions to establish your citizenship, officials may detain you longer in order to verify your immigration status. But this detention is still supposed to be BRIEF under U.S. Supreme Court case law; it cannot be prolonged. Your silence alone is not enough to arrest, detain, or search you.
- Not answering Border Patrol's questions is a personal choice. If you don't answer questions to establish your citizenship and if Border Patrol prolongs your detention in an attempt to determine your status (e.g., in excess of 15 minutes), please let the ACLU-NH know. And if you decide to answer the questions, NEVER LIE.
- NEVER FLEE A CHECKPOINT.
- You may video or audio record federal agents, so long as you do not interfere with their work. In cars, it's advisable that a passenger do the filming, or that a dash cam device be used.

If you have any questions, please contact the ACLU-NH at immigration@aclu-nh.org.

¹Agents may be able to 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.