

## **KNOW YOUR RIGHTS**

### **WHAT TO DO IF YOU ARE DETAINED AT A PORT OF ENTRY**

All people arriving at the U.S. border or a port of entry have basic rights. All international travelers are subject to inspection by U.S. Customs and Border Protection (CBP) when arriving at an airport or land port of entry.

If questions arise and CBP is unable to admit you quickly, you may be taken to a separate area for “secondary inspection.” A referral to secondary inspection by itself is not an adverse action, but you can expect to be detained anywhere from a few minutes to several hours or longer if an issue arises. During secondary inspection, CBP will ask you questions and may collect biographic and biometric data, run record checks, and determine whether you should be admitted to the United States.

#### **If you are detained by CBP in secondary inspection, you have the following rights:**

- You have the right to contact your consulate for assistance. The consulate can help you contact a lawyer or your family.
- If you have a lawyer, you should ask CBP for permission to contact your lawyer. Note, however, that CBP may tell you that you do not have the right to speak to an attorney.
- You have the right to review all written statements that are prepared for you, in a language that you can understand.
- If you do not agree with the contents of any papers that are presented to you, you may refuse to sign them.
- You do not have a right of privacy that protects your mobile phone, computer, tablet, or other electronic devices. CBP may search your device and access your email and screen your social media activity during the inspection process. Your phone, laptop, or other digital device may be held and returned to you later.

#### **Future Travel.**

To avoid delays at the ports of entry or legal issues in the future, you should consult with an immigration attorney prior to traveling if you:

- Have a criminal record (pending criminal charges or criminal convictions - even if expunged).
- Have an application pending with U.S. Citizenship and Immigration Services (USCIS) or the Executive Office for Immigration Review (EOIR).
- There is anything in your immigration history that was not disclosed during your immigration process or that might cause a government official to question you about the reason for your travel or about your immigration history.

KINGSTON, MARTINEZ AND HOGAN, LLP  
1300 Santa Barbara Street, 2<sup>nd</sup> Floor, Santa Barbara, CA 93101  
Phone (805) 963-9585 - <http://www.kmhimmigration.com/>

*The contents of this document do not constitute legal advice.*