

## What You Need to Know

U.S. Customs and Border Protection (CBP) can stop, detain, or search any person or vehicle at border checkpoints in the U.S. — even those located inland and far away from the border — if they suspect there are undocumented persons in the vehicle and even if they suspect other types of criminal activity. At checkpoints located within 100 miles of an “external boundary” of the U.S., CBP officers have powers that far exceed traditional law enforcement authority permitted by the U.S. Constitution.

*CBP officers at border checkpoints can stop you and search your vehicle even if you are a U.S. citizen.*

At these checkpoints, officers may stop and search people based on minimal suspicion and may use race as a factor in deciding whether to stop and question an individual.

In some instances, federal CBP agents may act under the authority of state and local law enforcement to issue citations for criminal offenses under Arizona law, for example, for drug possession. They may also call state and local law enforcement to the scene.

### ***Important Definitions:***

**Border Checkpoints** are places where all traffic is required to stop for the purpose of inspection for undocumented persons not lawfully admitted to the U.S. CBP officials have set up various checkpoints (permanent and temporary) within a 100 mile-wide zone from an international boundary throughout the U.S. A stop at a border checkpoint typically requires that one answer questions about their citizenship or immigration status and present identification (such as a driver’s license). In some cases, the CBP officer may ask an individual to pull into an area for “secondary” inspection if they suspect someone in the vehicle is undocumented or there is illegal contraband present.

**Permanent checkpoints** are places that operate continuously and are characterized by established structures, permanent traffic revisions and traffic warning signage.

**Temporary checkpoints** are short-term operations that may operate for only a few hours at a time and typically for a tactical purpose. They are characterized by temporary structures and signage.

### **Your Rights at Border Checkpoints**

Remember, **you always have the right to remain silent**. Anything you say to a CBP officer can be used against you. You do not have to answer questions about your immigration or citizenship status or any suspected criminal activity. However, you should know that, for the officer, your refusal to answer questions may justify continued detention. It is ultimately your decision how to respond to questions asked by officers at border checkpoints.

If you are the driver of a car and a

law enforcement officer demands to see your driver’s license, vehicle registration or proof of insurance, you must show these.

Remember, fleeing a checkpoint is a *felony* and punishable by a fine and/or imprisonment up to five years under federal law.

#### **For U.S. Citizens**

U.S. citizens are not required to carry their passports within the borders of the U.S. You do not need to show proof of your citizenship.

If you are selected for a longer interview at the border, you have the right to an attorney. You may ask to

have the questioning stop until you have an attorney present.

#### **For those who are NOT U.S. Citizens**

If you are 18 years or older, you must always carry U.S. immigration documents that have been issued to you, such as a visa or lawful permanent residence card (“green card”). If you are not a U.S. citizen, you must provide proof of your lawful status in the U.S. to immigration officials upon request. If you do not have immigration documents, you do not have to disclose this information. You may remain silent.



# Know Your Rights at Border Checkpoints

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If you are selected for a longer interview at the border, you generally do not have the right to an attorney. You may ask to answer the questions at another time in the presence of an attorney, but your request does not have to be granted.

**If you fear persecution or torture in your home country, alert the officer and request an asylum interview.**

You do not have to sign any documents an immigration officer gives you, *even if they threaten to put you in jail*. **If you do sign a document without fully understanding its contents, there is a possibility you**

**are giving up the opportunity to remain in the U.S. or assert any defense against removal from the U.S.** It is best to seek counsel with an attorney before you sign *any* documents.

In some cases, a person identified as a non-U.S. citizen by a border or other immigration official may be held in an immigration detention facility while their immigration case is resolved. In some cases, you have the right to a hearing before an immigration judge. At this hearing, you may represent yourself or hire an attorney to represent you.

*Non-citizens in immigration cases do not have the right to a government-appointed attorney.* If the judge rules that you must leave the U.S., you may appeal the ruling. In some cases, you may continue to remain in the U.S. while your immigration case and appeal are pending.

***If you have been mistreated in anyway by an immigration official, whether at a border checkpoint or in a detention facility, you have the right to submit a complaint. It is always a good idea to note the names of the officers involved, the agency they work with and length of time of the detention.***

**For more information, contact:**

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