



## 2018 HAJJ TRAVEL ADVISORY

As thousands of Muslim Americans prepare for the annual Hajj, or pilgrimage to Mecca, the Council on American-Islamic Relations, New York (CAIR-NY) urges Muslim Americans to be aware of their rights when travelling to or from the United States. Recent political events, including the Supreme Court's refusal to block President Trump's Muslim Ban has increased Muslim travelers' risk of security related delays and even detention.

### What is Muslim Ban 3.0

On June 26, 2018, the U.S. Supreme Court issued a 5-4 decision on Trump's bigoted Muslim Ban, refusing to address the facts behind the bigoted ban, and sending the case back down to the lower courts for additional proceedings. The decision was a setback, but it was far from the final chapter in this fight. Now, more than ever, it's important to know your rights. Since December 4, 2017, the Muslim Ban has been in full effect for individuals from: Iran, Libya, Somalia, Syria, and Yemen ("Target Countries"). Many travelers from these Muslim-Majority countries face great difficulty applying for visas to be united with family, study in the U.S., and seek urgent medical treatment.

Muslim Ban 3.0 does **NOT** apply to:

- U.S. Citizens (native-born or naturalized); Green Card holders (legal permanent residents);
- Dual-nationals travelling on a passport from a country other than the Target Countries;
- People admitted or paroled into the U.S. on or after the effective date of the new Muslim Ban;
- People who have been granted asylum by the U.S.; Refugees already admitted to the U.S.;
- Individuals granted withholding of removal, advance parole, or protection under the Convention against Torture; or people with a document other than a visa that allows them to travel to the U.S., if the document is dated on or after the effective date of the new Muslim Ban;
- Visa holders from Target Countries who had a valid visa on June 29, 2017;
  - CAUTION: Visa holders should consult with an immigration attorney to confirm your visa does not prohibit travel outside the United States
  - NOTE: Unlike earlier bans, there is now no exception for "bona fide relationships" (e.g., close family ties such as a parent, spouse, child, sister, brother, fiancé(e), etc.)

### Preparing for Re-Entry into the United States

To enter or re-enter the United States, travelers must go through immigration and customs inspection. U.S. Customs and Border Protection ("CBP") officers will verify your identity and ensure that you're not bringing contraband items into the country. Travelers must present valid documentation in the form of a valid passport and/or proper immigration paperwork.

### "Primary Inspection"

All travelers pass through primary inspection, which involves very basic questions about your name and the purpose of your trip. Muslim travelers are nearly 3 times more likely than the general public to be subjected to more intrusive screening in "secondary inspection."

### Detained or Selected for a "Secondary Inspection"

#### 1. Plan ahead

Always tell at least one person when you plan to reenter the U.S. Text them from the airplane to let them know you've landed. They should contact CAIR-NY if you're delayed for more than an hour. Remember to plan ahead: since CBP often denies phone access for those in secondary inspection, if you're already being held, it may be too late to call.

**Disclaimer: This publication is for informational purposes only and is not legal advice.**



## 2. Tell the truth

Statements to CBP officers (either orally or in writing) must be truthful. Any lie, even a small one, can be punished by up to 8 years in prison. (see below re: staying silent).

## 3. Stay safe, don't delete

Never delete your device or its contents prior to, or immediately after, a CBP inspection. Doing so may constitute obstruction of justice, a very serious federal crime.

## 4. Don't sign on the dotted line

Do not sign ANYTHING before speaking to a lawyer, especially form I-407, which abandons your green card.

## 5. Politely ask why you have been selected for an additional search

## 6. Document inappropriate questions and discrimination as soon as possible

Write down the agent names, badge numbers, and any inappropriate questions about your religious practices, political activities, race, etc.

## 7. Report your experience to CAIR-NY

### Tips for U.S. Citizens ONLY

- U.S. citizens have an absolute right to enter the U.S. after traveling abroad.
- If selected for secondary inspection, you have the right to remain silent (apart from basic questions in primary inspection) but refusing MAY cause lengthy delays. If you are questioned about possible crimes, your silence can be particularly important.
- Your electronics can be searched, including social media profiles, emails, etc.
- You are NOT required to enter passwords or PIN numbers to open your electronic devices, but if you don't your device may be confiscated and you may be delayed. You can be compelled to unlock your phone if using fingerprint readers or other biometric sensors.

### Tips for Non-citizens ONLY

- You have the same rights as U.S. citizens, but exercising them can come at a price.
- CBP has broad discretion to refuse non-citizens entry to the United States, and refusing to comply with even discriminatory searches may prevent you from being admitted. If you answer, your statements may be used against you in a criminal or terrorism investigation.

*Muslim Travelers are frequently visited by the FBI after returning from Hajj. Please keep our Know Your Rights Card handy in case this happens to you.*

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#### CONTACT US:

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### What to Do If You Are Approached by Law Enforcement, ICE, or the FBI

#### 1 Where?

- At home: If at home:  
▶ ask for warrant. If none, keep the door closed.
- At work: lead them away from your personal workspace
- Over the phone: go to a quiet space

#### 2 Ask

- Ask agent or officer for:  
▶ Business Card  
OR  
▶ Agency  
▶ Name  
▶ Phone  
▶ Email

#### 3 Say

"I invoke my right to remain silent. My Attorney will contact you." You have the right to not say anything else.

Contact CAIR-NY for free legal assistance

 646.665.7599  [info@cair.ny.com](mailto:info@cair.ny.com)

 [www.cair-ny.org](http://www.cair-ny.org)

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