



## 2019 HAJJ TRAVEL ADVISORY

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

### What is Muslim Ban 3.0

Muslim Ban 3.0 is the Trump Administration's third attempt to deliver on the President's campaign promise for a "total and complete shutdown of Muslims entering the United States." Since December 4, 2017, it has been in full effect for individuals from five Muslim-majority "target countries": Iran, Libya, Somalia, Syria, and Yemen. The ban has separated families, denied people necessary medical treatments, and rejected refugees fleeing war-torn areas. Most people from these countries are indefinitely banned from the U.S., **without any exceptions** for reuniting with spouses, children, parents, or other relatives already in the U.S. It includes a waiver provision to receive a visa for individuals who can demonstrate that denying entry to the U.S. would cause the applicant "undue stress," that they would not pose a security or public safety threat, or that they benefit U.S. national interests. Unfortunately, the waiver process is a sham since there is still no formal application process and the government has provided little other guidance.

On June 26, 2018, the U.S. Supreme Court issued a 5-4 decision on Trump's Muslim Ban, refusing to address the facts behind it, and sending the case back down to the lower courts for additional proceedings. The decision was a setback, but the fight is far from over. On April 10, 2019, the NO BAN Act was introduced in the U.S. House & Senate, which would repeal all three versions of the Muslim Ban if passed. It is up to American-Muslims and their allies to continue to advocate to end this bigoted policy.

### 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.).

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## **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"**

#### **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.

#### **Tell the Truth**

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

#### **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.

#### **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.

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

#### **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. Ask to speak to a supervisor about your mistreatment.

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For information about traveling with agricultural products or Zamzam water, please see the State Department's travel advisory: <https://travel.state.gov/content/travel/en/international-travel/before-you-go/travelers-with-special-considerations/hajj-umrah.html>

### 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.
- 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. Disable your fingerprint reader prior to entering inspection. Sign out of all accounts on your electronic devices.
- If you are subjected to religious, political, or immigration questions, ask to contact your attorney. You may call CAIR-NY at 646-665-7599. You are entitled to an attorney despite CBP's advice. Do NOT answer discriminatory questions.

### Tips for Non-Citizens ONLY

- You have the same rights as U.S. citizens, but exercising them may 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, terrorism, or immigration investigation.

If your phone is confiscated or CBP unlocked your phone, report it to our office. We assist travelers whose rights have been violated.

**NOTE:** CBP may not subject you to religious or political questioning. If you are the target of such questioning, you may refuse to answer. Please report discriminatory treatment to our office.

Muslim travelers are frequently visited by FBI after returning from Hajj. Please keep this Know Your Rights (KYR) card handy in case this happens to you.

**Report your experience to CAIR-NY: [www.cair-ny.org/incident-report](http://www.cair-ny.org/incident-report) or [legal@ny.cair.com](mailto:legal@ny.cair.com) or 646-665-7599.**

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