

AIRPORTS—YOUR RIGHTS WHILE TRAVELING

Although it is illegal for law enforcement officers to perform any stops, searches, detentions or removals based solely on your race, national origin, religion, sex or ethnicity; Customs and Border Protection officials have the authority to stop you based on citizenship or travel itinerary, and search all bags. However, knowing your rights when traveling can make going through security checkpoints much easier.

Q: Can law enforcement officers stop and search me upon entering the United States?

A: Yes. Customs officers reserve the right to detain and search any person or item. However, such searches cannot be done based on race, gender, religion, or ethnic background. To ensure smooth traveling, be sure to carry your passport, green card, or valid immigration status documents with you at all times.

Q: What sort of items may be searched and what procedures should I take?

A: Law enforcement officers can search any item in your bag, including but not limited to, your laptop and the files within. These officers also reserve the right to make copies of any information stored on your laptop. If you encounter a search that you believe to be too pervasive, write down the names, badge numbers, and agency of any officer involved in the search. A complaint with the agency should be filed shortly thereafter.

Q: Can I be searched after going through metal detectors?

A: Yes. Screeners reserve the right to conduct any further search thought necessary to ensure safety.

Q: What rights do I have if I wear a religious head covering?

A: You have the right to wear religious head coverings; this includes a turban. You should assert your right to wear your religious head covering if asked to remove it.

Q: What if my head covering does cause the metal detector alarm at the airport?

A: The current TSA policy allows TSA officers to use a hand-wand around the head covering to confirm that it is not the cause of the metal detector alarm. The TSA officer has the

right to conduct a pat-down search. You hold the right to have such a search conducted in a private area. If you do not want the TSA officer to pat down your religious head covering, you may conduct your own pat down in the presence of a TSA officer. The TSA officer would then rub your hands with a small cotton cloth and place it in a machine to test for chemical residue. If you pass this chemical residue test, you should be allowed to proceed to your flight.

Q: What if my head covering does NOT cause the metal detector alarm at the airport?

A: The TSA officer may still determine that additional screening is necessary, but only based on non-discriminatory reasons. If so, you have the same rights as stated in the answer above with regard to the search being conducted in a private area.

Q: Am I allowed to travel with other religious accessories?

A: You may request a hand inspection for important religious items. If it is decided that the item is prohibited from the cabin of the aircraft, the TSA officer will ask that you place it in your checked baggage. If the item is delicate or fragile, you should inform the TSA official so that he or she may handle it accordingly.

NOTE: Presently, the Kirpan is not permitted through TSA security checkpoints. TSA advises that you place Kirpans in your checked baggage.

Q: What if I am selected for a strip search?

A: A strip search must be supported by “reasonable suspicion,” and must be done in a private area. “Reasonable suspicion” cannot be based on age, gender, or religion.

Q: If I am on an airplane, can an airline employee interrogate me or ask me to get off the plane?

A: The pilot has the right to refuse transportation to any passenger if it is believed the passenger is a threat to the safety of the flight. The pilot’s decision must be reasonable and based on clear observations.

Q: What do I do if I suspect I am on a “no-fly” or other “national security” list?

A: If you believe you are mistakenly on a list you should contact the Transportation Security Administration and file an inquiry @ www.dhs.gov/dhs-trip. You can also seek help from UNITED SIKHS.

KNOW YOUR RIGHTS: WHEN TRAVELLING



Knowing your rights empowers you as an individual and strengthens the Sikh community.

If you feel that your rights have been violated or compromised, there are many outlets to turn to including UNITED SIKHS.



JAF, POB 7203,
New York, NY 10116, USA
Phone: 1-646-688-3525
Toll-free: 1-888-243-1690 (US Only)
Fax: 1-810-885-4264
contact@unitedsikhs.org



Q: If I am selected for a longer interview when coming into the United States, what can I do?

A: If you are a U.S. citizen, you have the right to have an attorney present for any questioning. If you are a non-citizen, you generally do not have the right to an attorney when being questioned about your immigration status. However, you do have the right to an attorney for questions regarding any other matter. If you are not a U.S. citizen and are told that you cannot come into the U.S., but you fear that you will be persecuted or tortured if sent back to the country you came from, tell the officer about your fear and request asylum.

Q: What else should I do if I believe I am being discriminated against because of my race, ethnicity, or religion?

A: The most important thing is to record all details of the incident immediately. Be sure to note the airport, airline, flight number, and the names and badge numbers of any law enforcement officers or airline personnel involved. Also, write down the treatment, types of searches conducted, length and conditions of detention, and information of any witnesses you may have. This will assist any individual who investigates your complaint and enhances your odds of receiving a satisfactory resolution. Lastly, file a complaint with the U.S. Department of Transportation at: www.airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm.

If you need additional help, contact UNITEDSIKHS for assistance.

INTERACTING WITH THE POLICE

Generally, the presence of law enforcement is a good. Their job is to protect and serve the public. However, at times, an encounter with police may not be a good experience and it may be important to know of your specific rights. Just remember, regardless of what you believe your rights to be, always remain calm and polite. If the officer still becomes aggressive or intimidating, be sure to ask for an attorney.



STOP AND FRISKS

Q: What should I do if law enforcement officers stop me on the street?

A: If an officer questions you, you DO NOT have to answer any questions. Simply state, "I do not want to talk to you." You may then ask the officer if you are free to go. If they answer yes, then just walk away. Never run from police. If the officer states that you are not free to go, then you are being detained. This is not an arrest and should not last for an unreasonable length of time.

Q: What should I do if law enforcement officers stop me in my car?

A: Keep your hands where the officer can see them. If asked to provide documents, you must show the officer your driver's license, registration, and proof of insurance. In some instances, officers may ask you to step out of your car or they may separate all passengers for questioning and a patting of your outside clothing. If the officer goes further, clearly state "I do not consent to a search." If the officer continues searching despite what you have stated, DO NOT physically resist. The officer is now in violation of the law and a lawyer can later assist you in filing a proper claim against the officer. However, if you struggle or are uncooperative it will be much more difficult to fight the officer's wrongful actions. If an officer asks to search your car, you DO NOT have to consent. Without a warrant or consent, a car can only be searched if there is probable cause that you have been or are likely to engage in a criminal activity.

Q: Can law enforcement officers perform a search and frisk?

A: If the police detain you and have a "reasonable suspicion" that you may be carrying a weapon, they have the authority to perform a pat down. This should simply be a patting of your outside clothing. If the officer goes further, clearly state "I do not consent to a search." If the officer continues searching despite what you have stated, DO NOT physically resist. The officer is now in violation of the law and a lawyer can later assist you in filing a proper claim against the officer. However, if you struggle or are uncooperative it will be much more difficult to fight the officer's wrongful actions.

Q: Can law enforcement officers take off my turban?

A: When conducting a search and frisk, officers may pat down a religious head covering. If there are no safety concerns or needs

to retrieve evidence, then officers cannot remove religious head coverings during a search. If it is necessary to remove the head covering, state that your religion requires you to wear the head covering at all times and request special accommodations for religious reasons. In these instances, the officers removing your religious head covering must be of the same sex and the removal in private and respectfully. Once the search is complete, officers must allow you to replace your head covering at the earliest convenience.

Q: Do I have to answer questions once I have been arrested?

A: If you have been arrested, you DO NOT have to answer any questions. The arresting officer is required to inform you of your rights. UNITED SIKHS highly suggests that you exercise these rights fully. You request a lawyer right away, and repeat this request to every officer that speaks or questions you. It is usually a good idea to talk to a lawyer before answering any questions.

Q: What should I do if I am treated badly by law enforcement officers?

A: Keep a record of important details. Write down the badge number, name, and any other identifying information of all officers involved. If there are any witnesses, ask for their names and phone numbers. If you have been injured, seek immediate medical attention and take pictures of the injuries as soon as you can. As soon as possible, contact a lawyer and make a complaint to the law enforcement offices that were involved. If you would like assistance, contact UNITED SIKHS.



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