

# CUSTOMS & BORDER PATROL and TRAVELING IN BORDER AREAS

**KNOW YOUR RIGHTS**

The Fourth Amendment of the U.S. Constitution protects people from random and arbitrary stops and searches. But U.S. Customs and Border Protection (CBP), which includes U.S. Border Patrol, operates broadly in border areas. The agency claims authority to conduct operations as far as 100 miles from the U.S. border, which includes international land borders and the U.S. coastline. **All of Maine is within this 100-mile zone, and CBP claims the power to conduct patrols and operations across the entire state.**



## CAN CBP ACCESS PRIVATE PROPERTY?

**When CBP can access private property depends on how close you are to the border.**

- **More than 25 miles from the border:** Border Patrol cannot go onto private property more than 25 miles inland of the border without a warrant or permission.
- **Within 25 miles of the border:** Agents may be on private land without a warrant within 25 miles of the border. However, agents cannot enter a home or dwelling on private land anywhere without a warrant or consent.

**Damage to private property:** Border Patrol should not cause physical damage to private property. If they do cause damage, take photos and record damaged property. Property owners may file a claim with CBP.



## STOPPED BY CBP WHILE DRIVING:

**CBP conducts "roving patrols" and sometimes stops drivers.**

**Roving patrols:** During "roving patrols," CBP drives around the interior of the U.S., pulling motorists over. CBP cannot stop vehicles to question occupants about their citizenship or immigration status without a "reasonable suspicion" of an immigration violation or crime. Reasonable suspicion is more than just a "hunch." It requires officers to have specific facts showing why it is reasonable to believe you are in the country unlawfully or committed a violation of law.

**If an agent stops you:**

- You have the right to ask why Border Patrol stopped you and what their reasonable suspicion is. Agents should always be able to answer and explain the reason they stopped you.
- Even with reasonable suspicion, CBP may stop a car only briefly to question the driver and passengers about citizenship and immigration status and ask about suspicious circumstances. CBP cannot conduct a prolonged stop or search without consent or probable cause.
- Your race or ethnicity alone does not establish reasonable suspicion or probable cause for officers to stop and search or arrest you.



## YOUR RIGHTS IN JAIL OR DETENTION:

**Right to remain silent and speak with an attorney:** If you are detained for questioning or in jail, you have the right to remain silent and the right to speak to an attorney. If you are a citizen of another country, you also have the right to speak with your consulate.

**Questioning:** You may be asked where you were born, how you entered the U.S., or how long you have been here. You do not ever have to answer those questions. Your responses may be used to detain and deport you.

**Do not sign anything without speaking to a lawyer:** If you are not a U.S. citizen, signing certain documents may mean you are giving up your opportunity to try to stay in the U.S.



## STOPPED AT A CBP CHECKPOINT:

**CBP sometimes sets up checkpoints in the interior of the U.S. along major and minor roads.**

Border Patrol may briefly stop vehicles at certain checkpoints to ask a few limited questions to verify the citizenship of the vehicles' occupants. Agents may stop any vehicle at a checkpoint and may send any vehicle to a secondary inspection area to conduct a routine and limited inquiry into citizenship.

**Checkpoint stop should be brief:**

- Agents should not ask questions unrelated to verifying citizenship or hold you for an extended time without an articulable, reasonable suspicion of a crime or violation of immigration law.
- If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you. Never provide false documents.
- You always have the right to remain silent, even if you are not a U.S. citizen. However, if you do not answer questions to establish your citizenship or immigration status, officials may detain you to verify your immigration status.

**NEVER FLEE A CHECKPOINT!**

*See reverse*



## ENCOUNTERING CBP **AT A BORDER CROSSING:**

**Agents generally have broad authority at border crossings.**

**Ports of entry:** These are designated places to enter the country. They include entries at airports, land crossings, and seaports.

**What agents can ask:** Agents at ports of entry may question people about their citizenship and what they are bringing into the country. Even though you always have the right to remain silent, if you don't answer questions to establish your citizenship or immigration status, officials may deny you entry into the U.S. or detain you for search and/or questioning.

**What agents can search:** Agents can search any person, the inside of any vehicle, and all personal belongings. Agents do not need a warrant, any suspicion of wrongdoing, or consent. CBP's own policy requires that searches be "conducted in a manner that is safe, secure, humane, dignified, and professional."

**Fear of returning home:** If you are told you cannot enter the country and you fear you might be persecuted or tortured in your country of origin, you should tell the customs officer about your fear.

### **Agents at ports of entry:**

- Cannot use excessive force.
- Cannot conduct more intrusive searches, such as strip searches or repeated detentions, unless they have "reasonable suspicion" of an immigration violation or crime.
- Should not damage personal property during an inspection. If they do cause damage, take photos and record the damaged property. Property owners can file a claim with CBP.



## **YOU HAVE THE RIGHT TO REMAIN SILENT:**

**If you are detained or arrested by any law enforcement officials, you have the right to remain silent and the right to speak with an attorney – regardless of your citizenship status.**

You do not have to provide information about where you were born, how you entered the U.S., or how long you have been here.

**If you are approached on the street or in a public place,** you do not have to answer agents' questions or provide identification. The first thing you should do is ask if you are free to go. If you are not free to go, you are under arrest and have the right to remain silent. If you are free to go, calmly walk away.

Never provide fake documents or say you are a U.S. citizen if you are not.



## **PROTECT ELECTRONIC DEVICES:**

At the border, the government asserts it has the authority to search all electronic devices – like phones and computers – without reasonable suspicion and regardless of your legal status in the country.

Learn more about government searches of electronic devices at the border, and precautions you can take to prepare at [ACLUMaine.org/KnowYourRights](https://www.aclu.org/know-your-rights).



## **CBP STOPS AND SEARCHES:**

Border Patrol can board buses, trains, and vessels to question individuals about their citizenship.

Agents boarding buses and trains are not allowed to search or even pat down luggage without consent or probable cause unless they are at a port of entry.

It is illegal for law enforcement officers to perform any stops, searches, or detentions based solely on your race or ethnicity.

Refusing a search does not give agents probable cause for a search.



## **DOCUMENTING LAW ENFORCEMENT ACTIVITY:**

If you are stopped, detained, or harassed by Border Patrol, try to get the agents' names, badge numbers, and any other identifying information.

You have a First Amendment right to record publicly visible law enforcement activity – including at the border – as long as you are not interfering with operations.

At ports of entry, you have the right to videotape or record law enforcement activity from a "publicly accessible area." However, CBP prohibits videotaping or recording in "restricted access areas."

*While this information is about legal issues, it is not intended as legal advice and cannot be substituted for advice from your own legal counsel. This document was last updated on October 2, 2025.*

## **Know your rights in all situations:**

**We can only exercise our rights if we know our rights.** We've compiled resources in several languages so you can be prepared in a variety of situations – from free speech at school to encountering ICE agents in your community.

**Learn more and spread the word at [ACLUMaine.org/KnowYourRights](https://www.aclu.org/know-your-rights).**