



Know Your Rights if You're Detained While Traveling

American Muslims travelers face 'forced exile,' denial of due process rights

IMPORTANT NOTE: Before traveling overseas, obtain the cell phone number of an attorney who would be available for consultation if you are barred from returning to the United States. Finding an attorney once you have been stopped or detained is much more difficult. Provide the attorney's contact information to those scheduled to pick you up at the airport.

CAIR is issuing an advisory to American Muslims — whether citizens, permanent residents or visa holders — warning of the risk of “forced exile” when traveling overseas and attempting to return to the United States. Muslim travelers are urged to know their legal rights if they are placed on the no-fly list.

In the past few months, CAIR has received a number of reports of American Muslims stranded overseas when they are placed on the government's no-fly list. Those barred from returning to the

United States report being denied proper legal representation, being subjected to FBI pressure tactics to give up the constitutionally-guaranteed right to remain silent, having their passports confiscated without due process, and being pressured to become informants for the FBI. These individuals have not been told why they were placed on the no-fly list or how to remove their names from the list.

FBI agents have reportedly told a number of individuals that they face being stranded outside the United States longer, or forever,

unless they give up their rights to legal representation or to refuse interrogations and polygraph tests. But even those who submitted to interrogations without an attorney or to the “lie detector” tests remain stranded.

CAIR cooperated with the ACLU on its recently-filed lawsuit challenging the lack of due process in placing travelers on the no-fly list.

“We ask President Obama to review this disturbing new policy that denies American Muslims their constitutional rights and due

process of law,” said CAIR National Executive Director Nihad Awad.

He said American Muslims strongly support law enforcement and the protection of our national security. And as Americans, we also value the civil rights of every individual. All Americans have the constitutional right to due process and to re-enter their own country.

If you know of any criminal activity, it is both your religious and civic duty to immediately report such activity to local and federal law enforcement agencies.

IF YOU ARE DETAINED OR QUESTIONED:

1. Understand that agreeing to an interview with FBI agents is strictly voluntary. You are not obligated under law to answer any questions from law enforcement officers. You must however provide them with a passport or other official identification.

2. You may choose to have an attorney accompany or represent you for any interview or questioning. CAIR strongly recommends that you consult with an attorney before being interviewed by law enforcement agents. CAIR may provide legal assistance or can refer you to an attorney.

3. Stay calm. Do not get into an argument with law enforcement officers.

4. Note that anything you say to an agent or officer can be used against you in a court of law, and that lying to an agent or officer is a criminal offense. Also note that an FBI agent is permitted to lie to you in the course of an interrogation.

5. Should you decide to speak to agents without an attorney despite the risks, note that you may set the conditions of the interview, including choosing when and where the interview is to take place, whether a third party

such as a family member is present, which questions to answer, and refusing to sign any documents. You may cancel the interview at any time. Take detailed notes during any interview.

6. Be sure to get the names, agencies, badge numbers and business cards of ALL agents or officers. Similarly, make a note of the name, agency, contact information, and supervisor of any other government employees, including embassy staff.

7. Contact your attorney and CAIR to report the incident and to discuss your next legal steps. If you believe that your civil rights have been or are being violated, you may file a complaint with the Department of Justice Civil Rights Division and with the Department of State. CAIR can help you with this process.

8. To file a civil rights complaint with CAIR, please visit: <http://www.cair.com/FileaComplaint.aspx>

9. If you have Internet access, file a complaint with DHS TRIP by going to: www.dhs.gov/trip

10. Have your spouse or other family members contact your elected representatives to seek assistance.

Please note: The points outlined above are for informational purposes only and do not constitute legal advice. Should you have any questions about this material or about a specific case, please consult with an attorney.