

Know Your Rights When Entering the United States

Anyone entering the United States from abroad is subject to being stopped and searched, including:

- US citizens
- Green card holders
- Visa holders
- Visiting on the visa waiver program under ESTA.

Customs and Border Protection (CBP) officers have:

- The authority to stop you or take you to secondary inspection to find out more information.
- The final authority to determine if someone entering the US as a visitor is admissible.
- Greater authority to question and search individuals entering the United States and found within 100 miles of the border.
- The authority to search everyone entering the US without probable cause or reasonable suspicion of the commission of any crime or offense.
- There is no right to counsel or to have an attorney present during questioning at entry, unless you are being arrested for a criminal offense.

CBP does NOT have the right to:

- Select you for a personal search or secondary inspection based on your religion, race, national origin, gender, ethnicity, or political beliefs.
- Take away a green card from lawful permanent residents returning to the United States from overseas.
 - All lawful permanent residents have the **right to a hearing** before an immigration judge before losing their green card.
 - Upon returning to the US, **do not sign a form I-407** voluntarily giving up your permanent residence even if pressured by CBP **without first speaking to an attorney**.

Inspection

- All people, luggage, belongings and electronic devices are subject to search upon entry to the United States.
 - Visitors and temporary visa holders may be denied entry if they refuse to grant access to password protected devices or social media accounts.
- Individuals entering the US on the visa waiver program are currently asked to volunteer information about their social media accounts on their ESTA application.

Entering on a temporary visa?

- Immediately verify that they have been admitted in the **correct status** and for the **proper duration of time**.

- The CBP officer should indicate under the entry stamp the visa status and the date admitted until.
 - For instance, someone admitted on the visa waiver program (ESTA) would have the notation WT (waiver tourist) or WB (waiver business) with their entry stamp.
- Check the electronic arrival record online a few days after entry to verify the proper status and duration at www.cbp.gov/i94.
- It is easiest to correct a misclassified visa status **at the time of entry with CBP**. Otherwise, those who were admitted incorrectly must return to the airport or point of entry to correct their status with CBP.

Legal Permanent Residents with Criminal Convictions

- Green card holders with criminal convictions should consult with an immigration attorney prior to traveling abroad to see how their criminal record impacts their residency status.
 - Permanent residents may lose their status if convicted of certain crimes—this decision can **ONLY** be made by an immigration judge.
- Permanent residents with criminal convictions have the **right to request a hearing** before an immigration judge if stopped by an immigration officer.

If you believe you are mistakenly on a no-fly or national security list because you experience issues every time you return to the US, you should file an inquiry using the Traveler Redress Inquiry Process at <https://trip.dhs.gov> or seek the advice of an attorney for further assistance.

If you have questions or concerns about traveling or regarding your immigration status, contact your local Irish immigration center for accurate and up to date information: <http://ciic-usa.org/>