

Introduction

Everyone in the U.S. has certain rights guaranteed under the U.S. Constitution, regardless of their immigration status. In order to exercise your rights, you must know what they are and have an action plan for how to respond to potential interactions with immigration or law enforcement officials. This document provides an overview of some recommendations available to the public regarding safe travel protocols. We realize that the situations noted below can be unpredictable. Therefore, this information is not intended to substitute for using common sense and interpersonal skills when dealing with people and defusing difficult situations. Furthermore, this document is not intended to serve as legal advice and is not a substitute for obtaining legal advice from a qualified attorney.

Things to Know When Flying Domestically

All travelers flying on a domestic flight must present a valid photo ID issued at the state or federal level. The following are acceptable forms of identification:

- State photo identity card
- State driver's license
- Military ID
- U.S. passport
- Foreign passport
- Permanent resident card
- U.S. Citizenship and Immigration Service Employment Authorization Card
- Passport cards
- Trusted traveler cards (such as the NEXUS, SENTRI and FAST cards issued by the Department of Homeland Security ("DHS"))
- Border-crossing cards
- Native American tribal ID cards
- Airline or airport photo ID cards issued in compliance with TSA regulations and transportation worker ID credential

Steps to Take	More Information
1. Have identification ready	Make sure you book your flight so the name on your ticket is an exact match with the ID you will be using.
2. Verify the requirements for your state for domestic flights	Check to see if your state is compliant with the federal REAL ID Act and will not let you fly unless you have a REAL ID compliant identification. Note: California will not be REAL ID compliant until October 1, 2020.
3. Make sure your devices are secure	The government is allowed to ask you for your phone, but you do not have to provide your password. In order to keep as much of your information secure, make sure your devices are protected with a number or word security password (as opposed to a pattern or a fingerprint).
4. Develop a safety plan	In case you get stopped, you should have at least 2 designated contact people. These designated people should be aware of things such as where the important documents are, your attorney/community organizations to contact, and family/friends to alert. Share your flight info before traveling and discuss what to do in case anything goes wrong.

FAQ Regarding Domestic Flights

1. Do I need to have a REAL ID License to board?

It depends on whether or not your state is REAL ID compliant. If you live in California, not immediately. However, California will become Real ID compliant and require a Real ID driver license or state issued identification card to board a domestic flight starting October 1, 2020.

Note: Those who only qualify for AB 60 driver licenses are ineligible to receive a REAL ID driver license.

2. Do I have to respond to TSA agent/ICE agent questions?

No, you have the right to remain silent under the Fifth Amendment. However, the refusal to answer questions may lead to prolonged questioning/detainment. When in doubt, do not answer questions about your citizenship or immigration status or sign any paperwork without the advice of a lawyer.

3. Can a TSA agent search my luggage and personal items?

TSA is only permitted to do “administrative searches” of passengers and their belongings, looking for prohibited items to ensure passengers’ safety. “Criminal searches” may be carried out only by law enforcement personnel, such as the FBI and state/local law enforcement officers, which may be called in by TSA at their discretion. For example, if TSA finds a prohibited item on a passenger’s possession during screening, law enforcement officers may be called in.

4. Can a pilot order me off the plane?

Yes. The pilot of an airplane has the right to refuse to fly a passenger if he or she believes the passenger is a threat to the safety of the flight. However, the pilot’s decision must be reasonable and based on observations of your actions, not stereotypes. If you are unfairly ordered off a plane, you can file a complaint with the airline or contact community organizations for support (e.g. ACLU).

5. Can I fly with an AB 60 License?

It is not recommended for an individual to fly with an AB 60 license (a driver’s license available for undocumented individuals in California). TSA has been inconsistent regarding the acceptance of AB 60 licenses, and could use the license as a basis to stop someone, question that person, and ultimately refer the person to ICE.

6. Can I fly with a foreign passport or Employment Authorization Document Card?

Yes, as noted above, the list of approved identification to fly domestically includes foreign government-issued passports and/or a U.S. Citizenship and Immigration Services Employment Authorization Card (I-766). There have been reports of individuals who were not able to fly with these documents due to erroneous TSA agent denial. In such instances, the recommendation would be to inform the TSA agent that according to posted Transportation Security Administration guidelines, these are acceptable documents.

For the actual link of the guideline, use <https://www.tsa.gov/travel/security-screening/identification>

Things to Know When Accessing Other Forms of Public Transportation

As part of the Trump Administration's immigration crackdown, Customs and Border Protection (“CBP”) have been conducting enforcement activities on public transportation such as Greyhound and Amtrak, even when the public transportation is far away from the borders. Therefore, passengers should be aware of the following rights:

- You have the **right remain silent**.
- When in doubt, **do not answer questions** about your citizenship or immigration status or sign any paperwork without the advice of a lawyer.
- If you have valid immigration papers, you can provide them. **Never provide false documents**.
- You can **refuse a search** of your belongings by saying “I do not consent to a search.”
- You have the **right to record** video of immigration agents.

FAQ Regarding Public Transportation

1. Can you travel without a photo identification when using local subway?

Photo identification isn't required when using local subway systems within a metropolitan area. To travel beyond city limits (e.g. riding Amtrak) you would need a valid photo identification.

2. Can you travel without a photo identification when using a bus?

To travel on a bus within a metropolitan area, all you need is a schedule and fare. To ride to locations that are farther, (e.g. riding with Greyhound) you would need a valid photo identification.

Things to Know When Driving

Like citizens, certain non-citizens in California may be eligible to drive legally. As of January 2015, eligible California residents are able to receive a driver's license under Assembly Bill 60, regardless of their immigration status. Furthermore, non-citizens with Deferred Action Childhood Arrival (“DACA”) status are eligible to apply and receive either a standard Class C license or an AB 60 license. If you are stopped by either law enforcement or immigration enforcement while in your car, here are the following recommendations:

1. Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, open the window part way, and place your hands on the wheel.
2. Upon request, show the police your driver's license, registration, and proof of insurance.
3. If an officer or immigration agent asks to search your car, you can refuse. However, if the police believe your car contains evidence of a crime, they can search it without your consent.
4. Both drivers and passengers have the right to remain silent. If you're a passenger, you can also ask if you're free to leave. If yes, silently leave.

FAQ Regarding Driving

1. Can the police ask me about my immigration status?

Yes. However, under the Fifth Amendment, you have the right to remain silent and do not have to answer questions about where you were born, whether you're a U.S. citizen, or how you entered the country. That being said, it should be noted that separate rules apply at international borders and airports, and for individuals on certain nonimmigrant visas, including tourists and business travelers. If you're not a U.S. citizen and have valid immigration papers, you should show them if an immigration agent requests it. Do not lie about your citizenship status or provide fake documents.

2. What is a Border Patrol checkpoint

The United States Border Patrol operates traffic checkpoints, including 33 permanent traffic checkpoints near the Mexico-United States border. The primary purpose of these inspection stations is to "deter illegal immigration and smuggling activities." Border Patrol can conduct checkpoints within 100 miles of the border. DHS sometimes enters buses or trains and asks for passengers' documents. Along these checkpoints, Border Patrol agents may stop a vehicle for brief questioning of its occupants even if there is no reason to believe that the particular vehicle contains undocumented individuals. Furthermore, Border Patrol agents have wide discretion to refer motorists selectively to a secondary inspection area for additional brief questioning.

3. What are some checkpoints in California?

Below are some noted checkpoints within California. In order to be thoroughly prepared, it is wise to plan your route of travel and check before traveling.

- **San Clemente:** located 7 miles south of San Clemente on Interstate 5.
- **Temecula:** located 24 miles north of Escondido on Interstate 15.
- **Highway 79:** located 1 mile west of Sunshine Summit.
- **I-8 West:** located 3 miles east of Pine Valley on Interstate 8.
- **Highway 94:** located 24 miles east of San Diego on California State Route 94.
- **Highway 78/86:** located just south of the intersection of California State Routes 78 and 86, just west of the Salton Sea, controlling northbound traffic only.
- **Highway 111:** located between Niland and Bombay Beach.
- **Highway S2:** located 7 miles north of Ocotillo and I-8 in eastern San Diego County on S2 (Imperial Hwy/Sweeney Pass Road) between I-8 and State Route 78.

About Us

Founded in 2006, Immigrants Rising transforms individuals and fuels broader changes. With resources and support, undocumented young people are able to get an education, pursue careers, and build a brighter future for themselves and their community. Immigrants Rising is a fiscally-sponsored project of Community Initiatives. For more information, visit www.immigrantsrising.org.