

知道 你的 权利

当遭遇美国执法人员时



序言

美国民权自由联盟《知道你的权利 -- 当遭遇执法人员时》中英文对照版本 v1.0 由硅谷华人协会基金会 (Silicon Valley Chinese Association Foundation or SVCA Foundation) 组织资源编写。编写的动机是近年来多起涉及华人的案件（例如江波，Sherry Chen 案件）出现涉案者因为所说的话而被控告对执法人员撒谎（lying to federal agents / officers）。希望本手册能帮助普及和执法人员打交道的背景知识和相关法律。为了更大范围服务华人，欢迎自由转载传播本文件。

因为时间仓促，出现错误遗漏在所难免。欢迎发信到 info@svcaf.org 批评指正，我们将在下一版本中改进。任何文中有不确信的地方以英文原文为准，我们不负担因为编译错误引起的法律责任。

硅谷华人协会基金会(SVCA 基金会)是华人草根自己 501(c)(3) 非赢利公益组织。SVCA 基金会致力于通过切实的行动服务硅谷和附近地区的华人，研讨华人关心的话题，提供教育资讯和讲座，鼓励华裔团结参与社区事务，提升华人形象，共同建设更美好的加州。如果您赞同我们的理念，喜欢我们的行动，请访问我们的网站，加入我们的义工队伍或者捐款 <http://www.svcaf.org/> .

硅谷华人协会基金会
2016 年 2 月 26 日

KNOW YOUR RIGHTS

WHEN ENCOUNTERING
LAW ENFORCEMENT



ACLU

AMERICAN CIVIL LIBERTIES UNION

知 道 你 的 权 利

知道 你的 权利

当遭遇美国执法人员时

本手册探讨当你遇到美国执法人员阻拦，盘问，逮捕或搜查时，你所具有的权利。手册适用于美国公民及非公民身份人士，其中专有一章为非公民身份人士提供了相关补充信息。另一章中探讨了在机场及其他入境口岸可能会发生的情况。最后一章是你所关注的有关慈善捐赠和宗教以及政治信仰的问题。

本手册为你说明你的基本权利。但它不是法律咨询的替代品。如果你已被逮捕或认为你的权利受到了侵犯，你应当联系律师。

KNOW YOUR RIGHTS

WHEN ENCOUNTERING LAW ENFORCEMENT

This booklet addresses what rights you have when you are stopped, questioned, arrested, or searched by law enforcement officers. This booklet is for citizens and non-citizens with extra information for non-citizens in a separate section. Another section covers what can happen to you at airports and other points of entry into the United States. The last section discusses concerns you may have related to your charitable contributions and religious or political beliefs.

This booklet tells you about your basic rights. It is not a substitute for legal advice. You should contact an attorney if you have been arrested or believe that your rights have been violated.

刑 权 的 你 道 知

第一章 盘问

问：哪些部门的执法人员可能盘问你？

答：你可能会受到各部门执法人员的盘问，包括州或当地警察，联合反恐小组成员或工作在联邦调查局，国土安全局（包括移民海关执法及边境巡逻），美国缉毒署，海军犯罪调查处，及其他机构的联邦工作人员。

问：我必须回答执法人员的问题吗？

答：不是。你拥有宪法准许的保持沉默的权利。一般来说，即使你感觉不能从执法人员身边随便走开，你已被拘留或已入狱，你都也不必和执法人员（或任何他人）讲话。你不能因为拒绝回答问题而受到惩罚。在同意回答问题前，先律师商量是个好主意。通常，只有法官可以指令你回答问题。（非公民身份人士应参考第四章更多有关补充信息）

问：通用原则是你不必回答任何问题，有例外情况吗？

答：有的，有两种有限例外情况；第一，在有些州，如果你受到阻拦并被告知要表明身份时，你必须向执法人员提供你的姓名。但即使你提供了你的姓名，你也不需要回答其他问题。第二，如果你在驾车时因违反交通规则而被指示停靠路边，交警可能会要求你出示驾照，车辆登记证和保险证明（但你不必回答任何问题）（更多相关信息，非公民身份人士请参考第四章）

问：我可以先和律师通话再回答问题吗？

答：是的，无论执法人员是否告知你有这个权利，在回答问题前先和律师通话是宪法准许你的权利。律师的职责就是保护你的权利。一旦你说明要和律师通话，执法人员应停止向你发问。如果他们继续提出问题，你仍有权保持沉默。如果你没有律师，你仍可以告诉执法人员，在回答问

I. QUESTIONING

Q: What kind of law enforcement officers might try to question me?

A: You could be questioned by a variety of law enforcement officers, including state or local police officers, Joint Terrorism Task Force members, or federal agents from the FBI, Department of Homeland Security (which includes Immigration and Customs Enforcement and the Border Patrol), Drug Enforcement Administration, Naval Criminal Investigative Service, or other agencies.

Q: Do I have to answer questions asked by law enforcement officers?

A: No. You have the constitutional right to remain silent. In general, you do not have to talk to law enforcement officers (or anyone else), even if you do not feel free to walk away from the officer, you are arrested, or you are in jail. You cannot be punished for refusing to answer a question. It is a good idea to talk to a lawyer before agreeing to answer questions. In general, only a judge can order you to answer questions. (Non-citizens should see Section IV for more information on this topic.)

Q: Are there any exceptions to the general rule that I do not have to answer questions?

A: Yes, there are two limited exceptions. First, in some states, you must provide your name to law enforcement officers if you are stopped and told to identify yourself. But even if you give your name, you are not required to answer other questions. Second, if you are driving and you are pulled over for a traffic violation, the officer can require you to show your license, vehicle registration and proof of insurance (but you do not have to answer questions). (Non-citizens should see Section IV for more information on this topic.)

Q: Can I talk to a lawyer before answering questions?

A: Yes. You have the constitutional right to talk to a lawyer before answering questions, whether or not the police tell you about that right. The lawyer's job is to protect your rights. Once you say that you want to talk to a lawyer, officers should stop asking you questions. If they continue to ask questions, you still have the right to remain silent. If you do not have a

题前你需要先和一名律师通话。如果你有律师，要把律师的名片带在身上。把名片出示给执法人员并请求给你的律师打电话。记住要取得任何拦截或查访你的执法人员的姓名，机构名称，电话号码，并把此信息交给你的律师。

问：如果不管怎样我还是和执法人员对话了怎么办？

答：任何你对执法人员所说的话可能被用做对你或他人不利的证据。要记住对政府工作人员说谎是一种犯罪，但在和律师商量前保持沉默则不是犯罪。即使你已答复了一些问题，但你仍可以拒绝回答其他问题直到你有律师。

问：如果不回答他们的问题，执法人员用大陪审团传票威胁我，我怎么办？（大陪审团传票是一种书面的要你到庭就你也知道的信息作证的命令）

答：如果执法人员威胁要取得传票，你仍然不必立刻当场回答执法人员的问题，任何你所说的话都可能被用做对你不利的证据。执法人员也许能或也许不能顺利地取得传票。如果你收到传票或者执法人员威胁给你下达传票，你应当立即给你的律师打电话。如果你被下达了传票，你必须按照传票中指示的时间和地点到庭，但你仍可以坚持你的权利，不说任何在刑事案中可能被用做对你不利的证据的话语。

问：如果我被要求和执法人员进行有关“反恐面谈”怎么办？

答：你有对他们说你不想面谈的权利，让律师到场，安排面谈的时间和地点，事先了解他们将问的问题，并只回答你感觉方便回答的问题的权利。如果因任何理由你被拘留，你有权保持沉默。无论怎样，假想你所说的任何内容都会被记录在案。记住对执法人员有意说谎是刑事犯罪。

lawyer, you may still tell the officer you want to speak to one before answering questions. If you do have a lawyer, keep his or her business card with you. Show it to the officer, and ask to call your lawyer. Remember to get the name, agency and telephone number of any law enforcement officer who stops or visits you, and give that information to your lawyer.

Q: What if I speak to law enforcement officers anyway?

A: Anything you say to a law enforcement officer can be used against you and others. Keep in mind that lying to a government official is a crime but remaining silent until you consult with a lawyer is not. Even if you have already answered some questions, you can refuse to answer other questions until you have a lawyer.

Q: What if law enforcement officers threaten me with a grand jury subpoena if I don't answer their questions? (A grand jury subpoena is a written order for you to go to court and testify about information you may have.)

A: If a law enforcement officer threatens to get a subpoena, you still do not have to answer the officer's questions right then and there, and anything you do say can be used against you. The officer may or may not succeed in getting the subpoena. If you receive a subpoena or an officer threatens to get one for you, you should call a lawyer right away. If you are given a subpoena, you must follow the subpoena's direction about when and where to report to the court, but you can still assert your right not to say anything that could be used against you in a criminal case.

Q: What if I am asked to meet with officers for a "counter-terrorism interview"?

A: You have the right to say that you do not want to be interviewed, to have an attorney present, to set the time and place for the interview, to find out the questions they will ask beforehand, and to answer only the questions you feel comfortable answering. If you are taken into custody for any reason, you have the right to remain silent. No matter what, assume that nothing you say is off the record. And remember that it is a criminal offense to knowingly lie to an officer.

利 权 的 你 道 知

第二章 受到阻拦和逮捕

问：如果执法人员在街上阻拦我怎么办？

答：你不必回答任何问题。你可以说，“我不想和你讲话”然后平静地走开。或者，如果你感觉不便那样做，你可以问是否你可以走开。如果答复是肯定的，你可以考虑只是走开。不要逃避执法人员。如果执法人员说你不是被逮捕，但你不能走开，那么你是受到拘留。被拘留和被逮捕是不同的，尽管逮捕可能随之而来。只有在警察有合理的怀疑理由（也就是有客观理由去怀疑）你也许持有枪械而且是危险的，他们才可能会在你的衣服外面轻拍搜身，如果他们不只是一要轻拍搜身，那么你可以明确的说，“我不同意被搜查。”然而如果他们继续搜查的话，不要进行肢体抵抗。如果你已被拘留或逮捕，你不必回答任何问题，但如果你已被拘留，警察也许会问道你的姓名，这种情况除外。在某些州，你有可能因拒绝提供姓名而被逮捕。（更多有关非公民身份人士信息，请参考第四章）

问：如果执法人员在我开车时将我拦住怎么办？

答：把双手放在执法人员可以看见的地方。如果你被要求出示你的驾照，车辆登记证，以及保险证明，你必须出示这些文件。执法人员也可能要求你下车，或把乘客和驾驶员分开进行盘问并比较他们的回答，但没有任何人必须回答任何问题。除非得到你的准许，（你也没有必要同意），否则警察不能搜查你的车，或者除非他们有“合理的根据”来相信（即，了解足够的事实来支持合理的判断）犯罪活动可能正在发生，或你已卷入一起犯罪，或者在你的车里有你的犯罪证据，否则他们不能搜查你的车。如果你不想要你的车被搜查，明确地声明你不同意搜车。警察不能以你拒绝同意搜车为由而搜查你的车。

问：如果执法人员要逮捕我，我应该怎么办？

答：执法人员必须向你告知，你有宪法准许的保持沉默的权利，你有得到律师的权利，如果你付不起

II. STOPS AND ARRESTS

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

A: You do not have to answer any questions. You can say, “I do not want to talk to you” and walk away calmly. Or, if you do not feel comfortable doing that, you can ask if you are free to go. If the answer is yes, you can consider just walking away. Do not run from the officer. If the officer says you are not under arrest, but you are not free to go, then you are being detained. Being detained is not the same as being arrested, though an arrest could follow. The police can pat down the outside of your clothing only if they have “reasonable suspicion” (i.e., an objective reason to suspect) that you might be armed and dangerous. If they search any more than this, say clearly, “I do not consent to a search.” If they keep searching anyway, do not physically resist them. You do not need to answer any questions if you are detained or arrested, except that the police may ask for your name once you have been detained, and you can be arrested in some states for refusing to provide it. (Non-citizens should see Section IV for more information on this topic.)

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

A: Keep your hands where the police can see them. You must show your drivers license, registration and proof of insurance if you are asked for these documents. Officers can also ask you to step outside of the car, and they may separate passengers and drivers from each other to question them and compare their answers, but no one has to answer any questions. The police cannot search your car unless you give them your consent, which you do not have to give, or unless they have “probable cause” to believe (i.e., knowledge of facts sufficient to support a reasonable belief) that criminal activity is likely taking place, that you have been involved in a crime, or that you have evidence of a crime in your car. If you do not want your car searched, clearly state that you do not consent. The officer cannot use your refusal to give consent as a basis for doing a search.

Q: What should I do if law enforcement officers arrest me?

A: The officer must advise you of your constitutional rights to remain silent, to an attorney, and to have an attorney appointed if you cannot afford one. You should exercise all these rights, even if the officers don’t tell you about them. Do not tell

聘请律师，你有权得到一名指定的律师。你应该行使所有这些权利，即使警察不告知你有这些权利。除了你的姓名外，不要告诉警察其他信息。你所说的任何其他内容可能或将被用做对你不利的证据。要求立刻面见你的律师。在你被捕或备案后的合理时间内你有打电话的权利。执法人员也许不能监听你与律师的通话内容，但他们可以监听你与其他人的通话内容。你必须尽快--通常最迟在你被拘留 48 小时内得到法官的审理。（更多有关因非刑事犯罪移民违法的逮捕信息，参见第四章）

问：如果我被逮捕了我必须回答警察的问题吗？

答：不。如果你已被逮捕，你不必回答任何问题或者主动提供任何信息。立即要求见律师。对每一位试图与你交谈或向你盘问的警察重复这一要求。你应该总是先和律师谈话然后决定是否回答任何问题。

问：如果我受到执法人员粗暴对待，我该怎么办？

答：记下执法人员的徽章号码，姓名或者其他识别信息。你有向执法人员询问这些信息的权利。尽量找目击者和他们的姓名和电话号码。如果你受到伤害，要寻求医疗救治，并尽快拍照受伤情况。给律师打电话或联系你当地的美国民权自由协会办公室。你也应当向负责此类问题的执法办公室进行投诉。

the police anything except your name. Anything else you say can and will be used against you. Ask to see a lawyer immediately. Within a reasonable amount of time after your arrest or booking you have the right to a phone call. Law enforcement officers may not listen to a call you make to your lawyer, but they can listen to calls you make to other people. You must be taken before a judge as soon as possible—generally within 48 hours of your arrest at the latest. (See Section IV for information about arrests for noncriminal immigration violations.)

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

A: No. If you are arrested, you do not have to answer any questions or volunteer any information. Ask for a lawyer right away. Repeat this request to every officer who tries to talk to or question you. You should always talk to a lawyer before you decide to answer any questions.

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

A: Write down the officer's badge number, name or other identifying information. You have a right to ask the officer for this information. Try to find witnesses and their names and phone numbers. If you are injured, seek medical attention and take pictures of the injuries as soon as you can. Call a lawyer or contact your local ACLU office. You should also make a complaint to the law enforcement office responsible for the treatment.

第三章 搜查和授权令

问：执法人员可以搜查我的家或者办公室吗？

答：执法人员只有在他们得到授权令或者你的同意时才能对你的家进行搜查。当你不在场时，如果你的室友或者客人同意搜查，且警察有理由相信此人有权允许搜查的话，他们可能搜查你的家。只有当执法人员得到授权令或雇主的允许时，他们才可以搜查你的办公室。如果你的雇主同意对你的办公室进行搜查，那么执法人员可以搜查你的工作地点，无论你同意与否。

问：什么是授权令，我该如何明确授权令上的内容？

答：授权令是一张由法官签署的允许执法人员进入某住所或其他建筑物进行搜查或实施拘捕的文件。搜查令准许执法人员进入文件上所述地点来搜查并取得搜查令上标明的物品。逮捕令准许执法人员对你进行拘押。执法人员无权仅凭逮捕令搜查你的住所（但他们可以查巡你躲藏的地方，取走显而易见的证据），而且仅凭搜查令他们无权逮捕你（但如果他们发现有足够的证据时，可以将你逮捕）。

搜捕令上必须签署法官的姓名，你的姓名及住址，搜查日期和搜查地点，被搜查的每件物品的描述，进行搜查和逮捕的机构名称。未注明你的姓名的逮捕令，如果上面对你有足够详细的描述可以识别出是你本人的话，它也是有效的，可用来对你进行逮捕。未标注你的姓名的搜查令，如果上有对警察即将搜查的地址和场所有准确的描述，那么它仍然有效；然而，一份上面写有“批准证”字样的文件并不总是意味着它就是逮捕令或搜查令。例如驱逐证或遣送证，它是一种行政授权令，它不授予同等的权利去进入住宅或其他建筑物来实施搜查或逮捕。

III. SEARCHES AND WARRANTS

Q: Can law enforcement officers search my home or office?

A: Law enforcement officers can search your home only if they have a warrant or your consent. In your absence, the police can search your home based on the consent of your roommate or a guest if the police reasonably believe that person has the authority to consent. Law enforcement officers can search your office only if they have a warrant or the consent of the employer. If your employer consents to a search of your office, law enforcement officers can search your workspace whether you consent or not.

Q: What are warrants and what should I make sure they say?

A: A warrant is a piece of paper signed by a judge giving law enforcement officers permission to enter a home or other building to do a search or make an arrest. A search warrant allows law enforcement officers to enter the place described in the warrant to look for and take items identified in the warrant. An arrest warrant allows law enforcement officers to take you into custody. An arrest warrant alone does not give law enforcement officers the right to search your home (but they can look in places where you might be hiding and they can take evidence that is in plain sight), and a search warrant alone does not give them the right to arrest you (but they can arrest you if they find enough evidence to justify an arrest). A warrant must contain the judge's name, your name and address, the date, place to be searched, a description of any items being searched for, and the name of the agency that is conducting the search or arrest. An arrest warrant that does not have your name on it may still be validly used for your arrest if it describes you with enough detail to identify you, and a search warrant that does not have your name on it may still be valid if it gives the correct address and description of the place the officers will be searching. However, the fact that a piece of paper says "warrant" on it does not always mean that it is an arrest or search warrant. A warrant of deportation/removal, for example, is a kind of administrative warrant and does not grant the same authority to enter a home or other building to do a search or make an arrest.

问：如果执法人员来到我家，我该怎么做？

答：如果执法人员敲你的门，不要开门，隔着门问他们是否有搜查令。如果答复是否定的，不要让他们进入你的家也不要回答任何问题或者，除了告知他们“我不想与你们对话”外，什么都不要说。如果执法人员说他们真有搜查令，要求他们把搜查令从门底下塞入（或通过窥视孔或门上的玻璃出示给你看，或者把门开到足够能看见搜查证）。如果你觉得你必须开门，那么走到外面，随后关门然后要求看搜查令。确保搜查令上面标注了所有上述提到的内容，如果他们找错了地方或者你看到搜查证上有些其他的错误，要告诉执法人员。（要记住：移民驱逐证、遣送证不能授予警察进入你住所的权利）如果你告诉警官这个搜查令是不完整的或不准确的，你应该告诉他们你不同意搜查；但是如果在你已告知执法人员他们出了错误后，他们仍然决定进行搜查，那你不应该阻碍他们。尽快电话联系你的律师。问你是否被允许观看搜查的情况；如果你被允许，你应该观看。你应该记录这些信息，包括姓名，警徽号码，每个工作人员所在机构名称，搜查的位置，都拿走了哪些物品。如果有他人在场，让他们做为你的目击者来仔细观察事情的经过。

问：如果执法人员有搜查令或拘捕令，我必须回答问题吗？

答：不，无论是搜查令或逮捕令都不意味着你必须回答问题。

问：如果执法人员没有搜查令，怎么办？

答：你不必让执法人员搜查你的家，你也不必回答他们的问题。执法人员不能依据你拒绝同意搜查而获得授权令，他们也不能因为你拒绝作出允许而惩罚你。

问：如果执法人员告诉我如果不让他们进入，他们会取得搜查令再回来，我怎么办？

答：你仍然可以告诉他们你不同意搜查，他们需要得到搜查令。如果执法人员坚持并向法院申请，他们也许能或也许不能取得搜查令。可是一旦你允许他们搜查，他们则不必要尝试取得法院的批准就可以搜查了。

Q: What should I do if officers come to my house?

A: If law enforcement officers knock on your door, instead of opening the door, ask through the door if they have a warrant. If the answer is no, do not let them into your home and do not answer any questions or say anything other than “I do not want to talk to you.” If the officers say that they do have a warrant, ask the officers to slip it under the door (or show it to you through a peephole, a window in your door, or a door that is open only enough to see the warrant). If you feel you must open the door, then step outside, close the door behind you and ask to see the warrant. Make sure the search warrant contains everything noted above, and tell the officers if they are at the wrong address or if you see some other mistake in the warrant. (And remember that an immigration “warrant of removal/deportation” does not give the officer the authority to enter your home.) If you tell the officers that the warrant is not complete or not accurate, you should say you do not consent to the search, but you should not interfere if the officers decide to do the search even after you have told them they are mistaken. Call your lawyer as soon as possible. Ask if you are allowed to watch the search; if you are allowed to, you should. Take notes, including names, badge numbers, which agency each officer is from, where they searched and what they took. If others are present, have them act as witnesses to watch carefully what is happening.

Q: Do I have to answer questions if law enforcement officers have a search or arrest warrant?

A: No. Neither a search nor arrest warrant means you have to answer questions.

Q: What if law enforcement officers do not have a search warrant?

A: You do not have to let law enforcement officers search your home, and you do not have to answer their questions. Law enforcement officers cannot get a warrant based on your refusal, nor can they punish you for refusing to give consent.

Q: What if law enforcement officers tell me they will come back with a search warrant if I do not let them in?

A: You can still tell them that you do not consent to the search and that they need to get a warrant. The officers may or may not succeed in getting a warrant if they follow through and ask the court for one, but once you give your consent, they do not need to try to get the court’s permission to do the search.

利 权 的 你 道 知

问：如果执法人员没有搜查令，但在我反对后他们仍坚持搜查我家，我怎么办？

答：你不应以任何方式妨碍警方的搜查，因为你可能被拘捕。但你应明确地声明你没有同意他们搜查，这个搜查是违背你意愿的。如果有某个人在场，请他们做证你没有同意搜查。尽快给你的律师打电话。记录下执行搜查的工作人员的姓名，徽章号码。

KNOW YOUR RIGHTS

Q: What if law enforcement officers do not have a search warrant, but they insist on searching my home even after I object?

A: You should not interfere with the search in any way because you could get arrested. But you should say clearly that you have not given your consent and that the search is against your wishes. If someone is there with you, ask him or her to witness that you are not giving permission for the search. Call your lawyer as soon as possible. Take note of the names and badge numbers of the searching officers.

第四章 关于非公民身份人士的补充信息

在美国，非公民身份人士是指没有美国公民身份的人士，包括合法的永久居民，难民，寻求庇护人士；那些因为诸如工作，学业，旅游等原因而被准许来美国的人员；还有那些无任何合法入境身份的人员。在美国的非公民身份人士，无论何种移民身份，在受到执法人员阻拦，盘问，逮捕，他们本人或他们的住所遭到搜查时，通常都有宪法允许的与公民同等的权利。然而，关于非公民身份的人士，还存在一些特别问题。非公民身份人士知道下面的权利和责任是重要的。试图从边界地区进入美国境内的非公民身份人士不享有所有同等权利。如果你即将到达美国，请参见第五章附加信息。

问：哪些类型的执法人员可能会盘问我？

答：不同部门的执法人员都可能盘问你或要求你同意进行面谈，在面谈中他们会问及有关你的背景，移民身份，你的亲属，同事和其他一些话题。你也许会遭遇上面第一章所列举的各种部门的执法人员。

问：如果执法工作人员要盘问我，我能做什么？

答：你拥有与美国公民同等的保持沉默的权利，因此常用规则就是你不必回答任何执法人员所问的问题。然而，在入境口岸，有些例外情况，比如在机场和边检处（参见第五章）

问：我必须回答这样的问题例如：是否我是美国公民，我的出生地，我的住址，我来自什么地方，或其他有关我的移民身份的问题吗？

答：如果你不想答复他们，你不必回答任何上述问题。但不要冒认美国公民身份。在你回答有关你的移民身份问题前和你的律师通话几乎总是一个好主意。移民法是非常复杂的，你可能在自己还没有意识到问题的时候已经有麻烦了。律师可以保护你的权利，给你建议，帮助你避免问题。总是记住，即使你已回答了一些问题，你也仍然可以决定你不想回答任何更多的问题了。

对于“非移民身份人士”（指非公民身份，因某种理由或活动而被准许在有限的一段时间内停留美国，比如持有旅游，学生或工作签证的人士），这个规则（即：

IV. ADDITIONAL INFORMATION FOR NON-CITIZENS

In the United States, non-citizens are persons who do not have U.S. citizenship, including lawful permanent residents, refugees and asylum seekers, persons who have permission to come to the U.S. for reasons like work, school or travel, and those without legal immigration status of any kind. Non-citizens who are in the United States—no matter what their immigration status—generally have the same constitutional rights as citizens when law enforcement officers stop, question, arrest, or search them or their homes. However, there are some special concerns that apply to non-citizens, so the following rights and responsibilities are important for non-citizens to know. Non-citizens at the border who are trying to enter the U.S. do not have all the same rights. See Section V for more information if you are arriving in the U.S.

Q: What types of law enforcement officers may try to question me?

A: Different kinds of law enforcement officers might question you or ask you to agree to an interview where they would ask questions about your background, immigration status, relatives, colleagues and other topics. You may encounter the full range of law enforcement officers listed in Section I.

Q. What can I do if law enforcement officers want to question me?

A: You have the same right to be silent that U.S. citizens have, so the general rule is that you do not have to answer any questions that a law enforcement officer asks you. However, there are exceptions to this at ports of entry, such as airports and borders (see Section V).

Q: Do I have to answer questions about whether I am a U.S. citizen, where I was born, where I live, where I am from, or other questions about my immigration status?

A: You do not have to answer any of the above questions if you do not want to answer them. But do not falsely claim U.S. citizenship. It is almost always a good idea to speak with a lawyer before you answer questions about your immigration status. Immigration law is very complicated, and you could have a problem without realizing it. A lawyer can help protect your rights, advise you, and help you avoid a problem. Always remember that even if you have answered some questions, you can still decide you do not want to answer any more questions.

For “nonimmigrants” (a “nonimmigrant” is a non-citizen who is authorized to be in the U.S. for a particular reason or activity, usually for a limited period of time, such as a person with a tourist, student, or work visa), there is one limited exception to the rule that non-citizens

利 权 的 你 道 知

已在美国的非公民人士不必回答执法人员的问题) 有个例外情况。移民官可以要求非移民身份人士出示与移民身份相关的信息。然而, 尽管你是非移民身份, 你仍可以声明, 在回答问题前, 你想让你的律师到场, 而且如果你对问题的答复在刑事案中可能被用做对你不利的证据, 你有保持沉默权利。

问：我必须向执法人员出示我的移民证件吗？

答：法律规定满 18 周岁或以上已发给有效的美国移民证件的人士应该随时随身携带这些证件。（这些移民身份文件经常被叫做外国人登记文件。你需要携带的文件类型取决于你的入境身份。例如：永久居民卡（“绿卡”），I94 美国出入境卡，授权就业卡，过境卡）。未能遵守并携带这些证件可能被视为轻罪。如果你有有效的美国移民证件，而你又被要求出示证件，那么出示证件是正确的做法；如果你不这样做，你可能会遭到拘留。在安全的地方保留一份证件的复印件。如果证件丢失或即将失效，立即申请补办新的证件。

如果因你未随身携带移民证件而被拘留，但你把他们存放在某个地方了，请朋友或家人（最好是某个具有有效移民证件的）为你取来。向执法人员出示如果你未随身携带移民证件而被拘留，但你把他们存放在某个地方了，请朋友或家人（最好是某个具有有效移民证件的）为你取来。

向执法人员出示伪造的移民证件或假借别人证件都不是好主意。如果你是非法入境，因此无有效美国移民证件，你可以决定不回答任何有关你国籍或移民身份或你是否有证件的问题。如果你告诉移民官员你不是美国公民而你又未能出示有效美国移民证件，你很有可能会被逮捕。

问：在我工作的地方如果有移民局突击搜查，我该怎么办？

答：如果你的工作场所遭到突然搜查，你也许不清楚你是否可以走开。无论是哪一种情况，你都有权保持沉默-你不必回答有关你的国籍，移民身份或其他的问题。如果你

who are already in the U.S. do not have to answer law enforcement officers' questions: immigration officers can require nonimmigrants to provide information related to their immigration status. However, even if you are a nonimmigrant, you can still say that you would like to have your lawyer with you before you answer questions, and you have the right to stay silent if your answer to a question could be used against you in a criminal case.

Q: Do I have to show officers my immigration documents?

A: The law requires non-citizens who are 18 or older and who have been issued valid U.S. immigration documents to carry those documents with them at all times. (These immigration documents are often called “alien registration” documents. The type you need to carry depends on your immigration status. Some examples include an unexpired permanent resident card (“green card”), I-94, Employment Authorization Document (EAD), or border crossing card.) Failure to comply carry these documents can be a misdemeanor crime.

If you have your valid U.S. immigration documents and you are asked for them, then it is usually a good idea to show them to the officer because it is possible that you will be arrested if you do not do so. Keep a copy of your documents in a safe place and apply for a replacement immediately if you lose your documents or if they are going to expire. If you are arrested because you do not have your U.S. immigration documents with you, but you have them elsewhere, ask a friend or family member (preferably one who has valid immigration status) to bring them to you.

It is never a good idea to show an officer fake immigration documents or to pretend that someone else's immigration documents are yours. If you are undocumented and therefore do not have valid U.S. immigration documents, you can decide not to answer questions about your citizenship or immigration status or whether you have documents. If you tell an immigration officer that you are not a U.S. citizen and you then cannot produce valid U.S. immigration documents, there is a very good chance you will be arrested.

Q: What should I do if there is an immigration raid where I work?

A: If your workplace is raided, it may not be clear to you whether you are free to leave. Either way, you have the right to remain silent—you do not have to answer questions about your citizenship, immigration status or anything else. If you do

回答了问题并且说你不是美国公民，那你应该出示你的移民证明材料证明你的入境身份。如果你试图从现场逃跑，那么移民官就会假定你是非法居留美国，你可能会被拘留。比较安全的做法就是继续手中的工作或者镇定地询问是否可以离开，不要回答任何你不想回答的问题（如果你是非公民身份人士，参见上述信息）

问：如果移民官逮捕我的时候我正在照料孩子，或我的孩子需要开车去接和照顾，我该怎么办？

答：如果你在逮捕时孩子在身边，询问移民官你是否可以给家人或朋友打电话，让他们在你被带走前，赶来照顾你的孩子。如果你被逮捕时，你的孩子在学校或某个地方，尽可能迅速给你的朋友或家人打电话，这样某个负责任的成人可以照顾你的孩子。

问：如果移民局工作人员逮捕我，我该怎么办？

答：坚持你的权利。非公民身份人士拥有的权利对于他们的移民案件来说是重要的。你不必回答任何问题。你可以告诉移民官你要和你的律师通话。你不必在任何放弃你权利的文件上签字。在没有仔细阅读，理解和知道签字的后果前绝不要签任何文件。如果你真的签署弃权声明，移民局工作人员可能会设法在你面见律师或法官前将你驱逐出境。移民法是难以理解的。移民官不会向你解释的你也许有的一些选择。你在签字或做决定前应该先和律师商量。如果可能的话，随时携带愿意接听你电话的律师的姓名和电话号码。

问：在回答任何执法人员的问题或在任何移民文件上签字前我有和律师通话的权利吗？

答：是的。如果你被拘留，你有给律师或你的家人打电话的权利，而且在你被拘押后有被律师探视的权利。在移民法庭庭审时，你有让你的律师和你在一起的权利。你没有权利得到政府指定的律师来为你进行移民诉讼辩护，但移民官员必须为你提供免费或收费低的法律服务机构名单。

answer questions and you say that you are not a U.S. citizen, you will be expected to produce immigration documents showing your immigration status. If you try to run away, the immigration officers will assume that you are in the U.S. illegally and you will likely be arrested. The safer course is to continue with your work or calmly ask if you may leave, and to not answer any questions you do not want to answer. (If you are a “nonimmigrant,” see above.)

Q: What can I do if immigration officers are arresting me and I have children in my care or my children need to be picked up and taken care of?

A: If you have children with you when you are arrested, ask the officers if you can call a family member or friend to come take care of them before the officers take you away. If you are arrested when your children are at school or elsewhere, call a friend or family member as soon as possible so that a responsible adult will be able to take care of them.

Q: What should I do if immigration officers arrest me?

A: Assert your rights. Non-citizens have rights that are important for their immigration cases. You do not have to answer questions. You can tell the officer you want to speak with a lawyer. You do not have to sign anything giving up your rights, and should never sign anything without reading, understanding and knowing the consequences of signing it. If you do sign a waiver, immigration agents could try to deport you before you see a lawyer or a judge. The immigration laws are hard to understand. There may be options for you that the immigration officers will not explain to you. You should talk to a lawyer before signing anything or making a decision about your situation. If possible, carry with you the name and telephone number of a lawyer who will take your calls.

Q: Do I have the right to talk to a lawyer before answering any law enforcement officers’ questions or signing any immigration papers?

A: Yes. You have the right to call a lawyer or your family if you are detained, and you have the right to be visited by a lawyer in detention. You have the right to have your attorney with you at any hearing before an immigration judge. You do not have the right to a government-appointed attorney for immigration proceedings, but immigration officials must give you a list of free or low-cost legal service providers. You have the right to hire your own immigration attorney.

利

问：如果我因违反移民规定被拘留，对限期离境的起诉，我有没有在移民法官面前听证并申辩的权利吗？

答：是可以的。在大多数情况下，只有移民法官可以判决你限期离境。但是如果你放弃你的权利，在某个叫做：“约定遣送令，”或称“自愿离境”文件上签字同意离开美国，那么你可能不经庭审就被遣送出境。一个人也许没有权利见到移民法官是有些理由的，但即使被告知你就处于这种情况，你也应当立即和律师通话 - 移民官并不总是知道或告诉你，你的情况有哪些例外，而你却可能拥有连你自己都不知道的权利。同时，如果你担心你在你自己的国家受到迫害或者折磨，你要立刻告诉你的移民官（并联系律师）这是非常重要的 - 如果你有这种担心，你就有了额外的其他权利，那么你也也许能够赢得居留权。

权

的

问：我的移民申请正在进行中我会被拘留吗？

答：在很多的情况下，你将被拘留，但是大多数人在交付保释金或者其他定期报告的条件下有资格被释放。如果你因违反移民法被逮捕而且被拒绝释放，你要申请在法官面前举行一个保释听证。在很多的情况下，移民法官可以决定你被释放或降低你的保释金额。

你

问：如果我被逮捕，我可以给我的领事馆打电话吗？

答：是的，可以。在美国被捕的非公民身份人士有给他们的领事馆打电话的权利或请执法人员就你被捕的情况通知你的领事馆的权利。如果领事官员决定去看你或和你通话，执法人员必须允许他们这样做。你的领事官也许会帮你找律师或提供帮助。

道

问：如果我放弃了我的要求庭审的权利或者在听证结束前离开美国，有可能发生什么情况？

答：如果你被限期离境，你可能会失去某些移民福利的资格，你可能在很多年内或者在某些情况下，被永久禁止返回美国。如果你未到庭，同样如此，移民法官会在你缺席的情况下做出对你不利判决。如果政府允许你“自愿离境”，你可能会避免限期离境令所带来的一些问题，

知

Q: If I am arrested for immigration violations, do I have the right to a hearing before an immigration judge to defend myself against deportation charges?

A: Yes. In most cases only an immigration judge can order you deported. But if you waive your rights, sign something called a “Stipulated Removal Order,” or take “**voluntary departure,**” **agreeing to leave the country, you could be deported without a hearing. There are some reasons** why a person might not have a right to see an immigration judge, but even if you are told that this is your situation, you should speak with a lawyer immediately—immigration officers do not always know or tell you about exceptions that may apply to you; and you could have a right that you do not know about. Also, it is very important that you tell the officer (and contact a lawyer) immediately if you fear persecution or torture in your home country—you have additional rights if you have this fear, and you may be able to win the right to stay here.

Q: Can I be detained while my immigration case is happening?

A: In many cases, you will be detained, but most people are eligible to be released on bond or other reporting conditions. If you are denied release after you are arrested for an immigration violation, ask for a bond hearing before an immigration judge. In many cases, an immigration judge can order that you be released or that your bond be lowered.

Q: Can I call my consulate if I am arrested?

A: Yes. Non-citizens arrested in the U.S. have the right to call their consulate or to have the law enforcement officer tell the consulate of your arrest. Law enforcement must let your consulate visit or speak with you if consular officials decide to do so. Your consulate might help you find a lawyer or offer other help.

Q: What happens if I give up my right to a hearing or leave the U.S. before the hearing is over?

A: If you are deported, you could lose your eligibility for certain immigration benefits, and you could be barred from returning to the U.S. for a number of years or, in some cases, permanently. The same is true if you do not go to your hearing and the immigration judge rules against you in your absence. If the government allows you to do “voluntary departure,” you may avoid some of the problems that come with having a deportation

且你有可能在未来有更好的机会重返美国；但是你应当和你的律师商量你的案件因为即使对于自愿离开，也有可能被禁止返美，且你也许在移民法庭上有资格得到宽大处理。在决定放弃你的听证权利前你应当总是和你的移民律师商谈。

问：如果我想联系移民官员我该怎么办？

答：在联系移民官，甚至电话联系移民官之前，总是要设法先和律师商量。很多移民官把“执法”视为他们的首要工作而不会向你解释你全部的选择权，不知道这些情况你可能在你的移民身份上出麻烦的。

问：如果我被指控犯罪怎么办？

答：刑事定罪可能会导致你被限期离境。你应该总是与你的律师商谈，了解定罪或抗辩可能对于你的移民身份的影响。没有理解认罪协商是否可能使你被限期离境或者使你无资格得到宽大处理或入籍，不要同意认罪协商。

order and you may have a better chance at having a future opportunity to return to the U.S., but you should discuss your case with a lawyer because even with voluntary departure, there can be bars to returning, and you may be eligible for relief in immigration court. You should always talk to an immigration lawyer before you decide to give up your right to a hearing.

Q: What should I do if I want to contact immigration officials?

A: Always try to talk to a lawyer before contacting immigration officials, even on the phone. Many immigration officials view “enforcement” as their primary job and will not explain all of your options to you, and you could have a problem with your immigration status without knowing it.

Q: What if I am charged with a crime?

A: Criminal convictions can make you deportable. You should always speak with your lawyer about the effect that a conviction or plea could have on your immigration status. Do not agree to a plea bargain without understanding if it could make you deportable or ineligible for relief or for citizenship.

利

第五章 在机场及其他美国入境口岸的权利

记住：执法人员仅凭你的种族，出生国，宗教，性别或民族而对你进行阻拦，搜查，扣押或者遣送是非法的。然而，海关和边境保护人员可以根据你的国籍或在边境的旅行行程来对你进行阻拦，并搜查你所带包裹。

权

问：在边境和机场，我可能会遇到哪些部门的执法人员？

答：你也许会遇到上述所有第一章中列举的各部门执法人员。特别是在机场和边境，你可能会遇到海关工作人员，移民官员，交通和安全管理工作人员。

的

问：如果我持有有效旅行证件进入美国，执法人员会对我进行阻拦和搜查吗？

答：是的。海关工作人员有权对任何个人或物品进行阻拦，扣留或搜查。但是海关工作人员不能依据你的种族，性别，宗教或民族背景来选择性的对你进行搜身。如果你是非公民身份人士，你应当随时携带你的绿卡或其他有效移民证件。

你

问：执法人员可以询问有关我移民身份的问题吗？

答：可以。在机场，执法官员有权决定你是否有权或得到准许进入美国或返回美国。

问：当我入境美国时，如果我被选出来进行一个较长时间的面谈，我该怎么办？

答：如果你是美国公民，对于任何盘问，你都有权让你的律师到场。如果你是非公民身份，在你到达机场或其他入境口岸，而移民局工作人员正在对你进行检查以决定你是否被允许入境的时候，你没有见律师的权利。然而，如果问题涉及到你的入境身份以外的内容，你确实有权联系你的律师。你可以询问工作人员，

道

知

V. RIGHTS AT AIRPORTS AND OTHER PORTS OF ENTRY INTO THE UNITED STATES

REMEMBER: 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. However, Customs and Border Protection officials can stop you based on citizenship or travel itinerary at the border and search all bags.

Q: What types of officers could I encounter at the airport and at the border?

A: You may encounter any of the full range of law enforcement officers listed above in Section I. In particular, at airports and at the border you are likely to encounter customs agents, immigration officers, and Transportation and Safety Administration (TSA) officers.

Q: If I am entering the U.S. with valid travel papers, can law enforcement officers stop and search me?

A: Yes. Customs officers have the right to stop, detain and search any person or item. But officers cannot select you for a personal search based on your race, gender, religious or ethnic background. If you are a non-citizen, you should carry your green card or other valid immigration status documents at all times.

Q: Can law enforcement officers ask questions about my immigration status?

A: Yes. At airports, law enforcement officers have the power to determine whether or not you have the right or permission to enter or return to the U.S.

Q: If I am selected for a longer interview when I am 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 you have arrived at an airport or another port of entry and an immigration officer is inspecting you to decide whether or not you will be admitted. However, you do have the right to an attorney if the questions relate to anything other than your immigration status. You can ask an officer if he or she will allow you to

他们是否允许你稍后回答其他更多的问题，但你的请求可能被批准或拒绝。如果你不是美国公民并且执法人员说你不能进入美国，但是担心回到你原来的国家会受到迫害或虐待，你应该告诉工作人员你的担心并说明你想要政治庇护。

问：执法人员可以搜查我的电脑文件吗？如果他们搜查了我的电脑文件，他们可以拷贝我的电脑文件，或我的地址簿，文件中的信息或手机联系人信息吗？

答：此问题目前正在争论中。通常，一般来讲，执法人员可以搜查你的电脑文件并拷贝文件中所含信息。如果此类搜查发生的话，你应记下实施搜查的人员的姓名，佩戴徽章的号码，所在机构。你也应该向那个机构进行投诉。

问：在没有任何麻烦地通过了金属检测，或者安全人员已查看了我的包裹不含任何武器后，我的包裹或者我本人可以再次被搜查吗？

答：可以的。尽管初次对你的包裹的检查显示无可疑物，但检查者有权对你或你的包裹进行进一步检查。

问：如果我戴着宗教头饰，被机场安全人员单选出来进行另外检查，怎么办？

答：你有权戴宗教的头饰。如果你被要求摘下头饰，你应该主张你的权利。涉及机场检查并要求摘下宗教头饰比如穆斯林的头巾，穆斯林妇女的面纱或头巾的政策（政策有待改变）是这样的：当你通过金属检测器时引发了警报，美国运输安全管理局的工作人员也许会用手持金属探测器来检查是否警报是由你的宗教头饰引起的。如果警报的确是你的头饰引起的，那么安全管理人员也许需要对你轻拍搜身或让你摘下宗教头饰。你有权要求在私人区域进行搜身或者摘下头饰。如果你通过金属检测器时没有引发警报，尽管如此，美国运输安全管理人员依然可以决定对非金属物品进行进一步检查。进一步检查不能依据歧视性原因（因为种族，性别，宗教，国籍或者血统），管理人员会询问是否他们可以检查你的宗教头饰。如果你不想让管理人员触碰你的宗教头饰，你必须拒绝并声明说你更喜欢由自己来检查宗教头饰。然后你会被带到一边，在你自己对头饰进行检查时美国运输安全管理人员会在场监督。

answer extended questioning at a later time, but the request may or may not be granted. If you are not a U.S. citizen and an officer says 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 say that you want asylum.

Q: Can law enforcement officers search my laptop files? If they do, can they make copies of the files, or information from my address book, papers, or cell phone contacts?

A: This issue is contested right now. Generally, law enforcement officers can search your laptop files and make copies of information contained in the files. If such a search occurs, you should write down the name, badge number, and agency of the person who conducted the search. You should also file a complaint with that agency.

Q: Can my bags or I be searched after going through metal detectors with no problem or after security sees that my bags do not contain a weapon?

A: Yes. Even if the initial screen of your bags reveals nothing suspicious, the screeners have the authority to conduct a further search of you or your bags.

Q: What if I wear a religious head covering and I am selected by airport security officials for additional screening?

A: You have the right to wear religious head coverings. You should assert your right to wear your religious head covering if asked to remove it. The current policy (which is subject to change) relating to airport screeners and requiring removal of religious head coverings, such as a turban or hijab, is that if an alarm goes off when you walk through the metal detector the TSA officer may then use a hand-wand to determine if the alarm is coming from your religious head covering. If the alarm is coming from your religious head covering the TSA officer may want to pat-down or have you remove your religious head covering. You have the right to request that this pat-down or removal occur in a private area. If no alarm goes off when you go through the metal detector the TSA officer may nonetheless determine that additional screening is required for non-metallic items. Additional screening cannot be required on a discriminatory basis (because of race, gender, religion, national origin or ancestry). The TSA officer will ask you if he or she can pat-down your religious head covering. If you do not want the TSA officer to touch your religious head covering you must refuse and say that you would prefer to pat-down your own religious head covering. You will then be taken aside and a TSA officer will supervise you as you pat-down your religious head

利 权 的 你 道 知

然后，安全管理人员会用小块棉布来擦拭你的手，把棉布放在机器中进行化学残留测试，如果你通过了这个测试，你应该会被允许登机。如果美国运输安全管理人员坚持要你脱下摘下宗教头饰的话，你有权要求在私人区域内进行。

问：如果我被挑出进行脱衣检查怎么办？

答：在边境脱衣检查不是常规搜查，必须有足够的合理怀疑才能进行，且必须在私人区域进行。

问：如果我在飞机上，航空公司雇员可以询问我或要求我下飞机吗？

答：如果驾驶员相信某乘客威胁到飞行安全，驾驶员有权拒载该乘客。驾驶员的决定一定是合理的，是基于对你的观察而非出于成见做出的。

问：如果每次我乘飞机旅行都被执法工作人员盘问，我相信我上了“禁飞”名单或其他“国家安全”名单，我怎么办？

答：如果你相信你被错误地列在名单上，你应当联系交通安全管理局，申请查询，启用旅行者纠正查询程序。此表格可在网站

www.tsa.gov/travelers/customer/redress/index.shtm。下载。你也可以填写投诉表在 ACLU 网站上：

www.aclu.org/noflycomplaint。填写投诉表。如果你认为由于某些正当理由由你被列在名单上，那你应该寻求律师的建议。

问：如果我相信海关或机场或机组人员因为我的种族，民族或宗教的原因单独针对我或者我受到了某种方式的不公对待，在此事件的过程中及结束后我该记录那些信息？

答：当意外事件在你的头脑中还十分清晰的时候记录下细节是重要的。当记录事件发生的过程时，确保记录下机场，航空公司，航班的号码，涉及到的执法人员的姓名，佩戴徽章的号码，涉及到的航空公司或机场工作人员的信息，在审问中问及的问题，所述的得到那种待遇的理由，所进

KNOW YOUR RIGHTS

covering. After the pat-down the TSA officer will 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. If the TSA officer insists on the removal of your religious head covering you have a right to ask that it be done in a private area.

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

A: A strip search at the border is not a routine search and must be supported by “reasonable suspicion,” and must be done in a private area.

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

A: 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. The pilot’s decision must be reasonable and based on observations of you, not stereotypes.

Q: What do I do if I am questioned by law enforcement officers every time I travel by air and I believe 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 using the Traveler Redress Inquiry Process. The form is available at

<http://www.tsa.gov/travelers/customer/redress/index.shtm>.

You should also fill out a complaint form with the ACLU at <http://www.aclu.org/noflycomplaint>. If you think there may be some legitimate reason for why you have been placed on a list, you should seek the advice of an attorney.

Q: If I believe that customs or airport agents or airline employees singled me out because of my race, ethnicity, or religion or that I was mistreated in other ways, what information should I record during and after the incident?

A: It is important to record the details of the incident while they are fresh in your mind. When documenting the sequence of events, be sure to note the airport, airline, flight number, the names and badge numbers of any law enforcement officers involved, information on any airline or airport personnel involved, questions asked in any interrogation, stated reason

行的搜查类型，被拘留的时间和条件状况。如果可能的话，找到事件的目击者是非常有用的。如果在机场因为种族，民族，宗教的原因使你受到不公或针对你个人的歧视性对待，请在美国公民自由协会网站上 <http://www.aclu.org/airlineprofiling> 填写投诉表，并向美国交通部投诉 <http://airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm>.

for treatment, types of searches conducted, and length and conditions of detention. When possible, it is helpful to have a witness to the incident. If you have been mistreated or singled out at the airport based on your race, ethnicity or religion, please fill out the Passenger Profiling Complaint Form on the ACLU's web site at <http://www.aclu.org/airline-profiling>, and file a complaint with the U.S. Department of Transportation at <http://airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm>.

利 权 的 你 道 知

其他资源

美国国土安全部公民权利与自由办公室

http://www.dhs.gov/xabout/structure/editorial_0373.shtm[[调查国土安全局的工作人员侵犯公民权利和自由的行为，以及基于种族，民族，或宗教的原因进行种族定型等的行为。你可以通过电子邮件提交你的投诉到 civil.liberties@dhs.gov]]。

美国交通部航空消费者保护机构

<http://airconsumer.ost.dot.gov/problems.htm>
处理航空公司空乘人员（办理登机手续人员，安检人员，空乘人员，飞行员）基于种族，民族，宗教，性别，国籍，血统，身体残疾等歧视乘客的行为。你可以发送电子邮件到：airconsumer@ost.dot.gov 提交你的投诉---参见网页得到更多信息。

美国交通部航空消费者保护机构

资源网页：

<http://airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm> 提供有关于在何处及如何投诉航空公司工作人员，联邦安全检查人员（比如：在机场安全检查站），机场人员（例如：机场安保人员），联邦调查局工作人员，移民与海关执法局，美国边境巡逻，海关和边境保护，国民卫队）工作人员歧视性行为的投诉信息。

Other Resources:

DHS Office for Civil Rights and Civil Liberties

http://www.dhs.gov/xabout/structure/editorial_0373.shtm

Investigates abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. You can submit your complaint via email to civil.liberties@dhs.gov.

U.S. Department of Transportation's Aviation Consumer Protection Division

<http://airconsumer.ost.dot.gov/problems.htm>

Handles complaints against the airline for mistreatment by air carrier personnel (check-in, gate staff, plane staff, pilot), including discrimination on the basis of race, ethnicity, religion, sex, national origin, ancestry, or disability. You can submit a complaint via email to airconsumer@ost.dot.gov—see the webpage for what information to include.

U.S. Department of Transportation's Aviation Consumer Protection Division Resource Page

<http://airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm>

Provides information about how and where to file complaints about discriminatory treatment by air carrier personnel, federal security screeners (e.g., personnel screening and searching passengers and carry-on baggage at airport security checkpoints), airport personnel (e.g., airport police), FBI, Immigration and Customs Enforcement (ICE), U.S. Border Patrol, Customs and Border Protection, and National Guard.

第六章 慈善捐赠及宗教活动

问：我可以为慈善组织捐款而不成为恐怖主义嫌疑人吗？

答：是的。你应该继续为你所信仰的事业捐款，但是在选择支持哪些慈善机构时要谨慎。更多小贴士，参见穆斯林拥护者慈善捐赠指南。更多建议：

<http://www.muslimadvocates.org/docs/DonorGuidance101106.pdf>.

问：在宗教场所或公共场所我从事我的宗教活动是安全的吗？

答：是的。信教自由是宪法赋予你的权利。你有权到祭拜场所，参与，听布道，参与社区活动，在公共场所祷告。尽管近来有新闻报道说人们因为这样做而被不公平地单独挑选出来，但是法律是站在你的一边来保护你的。

问：我还有什么能做的以便充分准备？

答：你应该对与你重要的事保持信息灵通。例如去图书馆，看报纸，上互联网，并公开地说你哪些是你关心的重要问题。在紧急情况下，你应该有家庭计划-除了律师的电话号码，还要有一个好友的或亲戚的电话号码在家里人需要帮助的时候可以拨打。如果你是非公民身份，记住随身携带你的移民证件。

VI. CHARITABLE DONATIONS AND RELIGIOUS PRACTICES

Q: Can I give to a charity organization without becoming a terror suspect?

A: Yes. You should continue to give money to the causes you believe in, but you should be careful in choosing which charities to support. For helpful tips, see Muslim Advocates' guide on charitable giving—<http://www.muslimadvocates.org/docs/Donor-Guidance101106.pdf>.

Q: Is it safe for me to practice my religion in religious institutions or public places?

A: Yes. Worshipping as you want is your constitutional right. You have the right to go to a place of worship, attend and hear sermons and religious lectures, participate in community activities, and pray in public. While there have been news stories recently about people being unfairly singled out for doing these things, the law is on your side to protect you.

Q: What else can I do to be prepared?

A: You should keep informed about issues that matter to you by going to the library, reading the news, surfing the internet, and speaking out about what is important to you. In case of emergency, you should have a family plan—the number of a good friend or relative that anyone in the family can call if they need help, as well as the number of an attorney. If you are a non-citizen, remember to carry your immigration documents with you.

利 权 的 你 道 知

参考联系信息

美国-阿拉伯反歧视委员会：(202) 244-2990
<http://www.adc.org/>

美国移民法律基金会：(202) 742-5600
<http://www.aifl.org/>

美国移民律师协会：(800) 954-0254
<http://www.aila.org/>

亚裔美国人法律援助与教育基金会：(212) 966-5932
<https://www.aaldef.org/>

美国伊斯兰关系委员会：(202) 488-8787
<http://www.cair.com/>

墨西哥裔美国人法律援助与教育基金会：
(213) 629-2512
<http://www.maldef.org/>

国家律师协会：(212) 679-5100
<http://www.nlg.org/>

国家移民法律中心：(212) 965-2200
<http://www.naacpldf.org/>

国家移民法律援助工程：(617) 227-9727
<http://www.nationalimmigrationproject.org/>

波多黎各法律援助与教育基金会：(800) 328-2322
<http://www.prldef.org/>

美籍南亚未来领袖协会：(310) 270-1855
<http://www.saalt.org/>

美国国民权利委员会：
(800) 552-6843
<http://www.usccr.gov/>



REFERRAL CONTACT INFORMATION

American-Arab Anti-Discrimination Committee (ADC):
(202) 244-2990
<http://www.adc.org/>

American Immigration Law Foundation (AILF):
(202) 742-5600
<http://www.ailf.org/>

American Immigration Lawyers Association (AILA):
(800) 954-0254
<http://www.aila.org/>

Asian American Legal Defense and Education Fund (AALDEF):
(212) 966-5932
<https://www.aaldef.org/>

Council on American-Islamic Relations (CAIR):
(202) 488-8787
<http://www.cair.com/>

Mexican American Legal Defense and Educational Fund (MALDEF):
(213) 629-2512
<http://www.maldef.org/>

National Lawyers Guild (NLG):
(212) 679-5100
<http://www.nlg.org/>

National Immigration Law Center (NILC):
(213) 639-3900
<http://www.nilc.org/>

NAACP Legal Defense and Education Fund (NAACP LDF):
(212) 965-2200
<http://www.naacpldf.org/>

National Immigration Project: (617) 227-9727
<http://www.nationalimmigrationproject.org/>

Puerto Rican Legal Defense and Education Fund (PRLDEF):
(800) 328-2322
<http://www.prldef.org/>

South Asian American Leaders of Tomorrow (SAALT):
(310) 270-1855
<http://www.saalt.org/>

U.S. Commission on Civil Rights (UCCR):
(800) 552-6843
<http://www.usccr.gov/>

出版机构

美国民权自由联盟种族公平项目，美国民权自由联盟国家安全项目，美国民权自由联盟移民权利项目，南加利福尼亚美国民权自由联盟。

125 Broad Street, 18th Floor

纽约 (NY) 100042400

www.aclu.org

美国民权自由联盟是美国著名的自由卫士，每天都在法庭上，政府各部门及社区工作，捍卫和维护着美国宪法及美国法律所保障的个人权利与自由。

PUBLISHED BY:

The ACLU Racial Justice Program, ACLU National Security Project, ACLU Immigrants' Rights Project, and the ACLU of Southern California.

125 Broad Street, 18th Floor

New York, NY 10004-2400

www.aclu.org

THE AMERICAN CIVIL LIBERTIES UNION is the nation's premier guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitution and the laws of the United States.