



## Know your rights during travel within the U.S. and U.S. Territories

MRNY has created this know your rights document to provide guidance for individuals who want to travel by plane within the U.S. and to U.S. territories such as Puerto Rico and the Virgin Islands. Use this document to make the best decision for yourself, but remember that this document does not constitute legal advice.

### Traveling to Puerto Rico, the Virgin Islands, Guam, American Samoa or the Northern Mariana Islands?

Even though these islands are part of the United States, immigrant travelers to these places can be put through the same review process by immigration officers as international travelers.

Customs and Border Protection (“CBP”) has the authority to conduct “preinspection” at the airport in Puerto Rico and other U.S. territories, where they can review if you are allowed to re-enter the mainland U.S. before you board the flight back. This “preinspection” process is generally done in a very informal manner and sometimes not done at all. This may involve CBP officers asking if you are a citizen of the U.S. and asking you about your immigration status or to see your passport. In some instances, CBP officers may take you to a separate area for more questioning.

Please be aware that travel to Puerto Rico and other U.S. territories can be risky for both **(1)** undocumented individuals; and **(2)** individuals with lawful status who are deportable or inadmissible due to criminal convictions or other bars to reentry. **If you are in these categories, it is important that you consult with an attorney or legal service provider before traveling by plane to Puerto Rico or any of the other U.S. territories.**

### Traveling Within the Continental United States, Hawaii and Alaska

If you are a non-citizen planning to travel within the continental United States (48 states), Hawaii and Alaska, it is important to know your rights and what identification is required.

**Starting May 3, 2023 everyone who travels on an airplane within the 50 states must present a REAL ID or passport.** Unfortunately, New York licenses issued under the new Green Light law, for people without social security numbers, are not REAL IDs. Valid work authorization cards with a photo are REAL IDs.

Even if you are not flying internationally, immigration authorities have the power to inspect travelers in and around international airports. **Because CBP is present in all major airports, there is a risk of being stopped and questioned by immigration authorities in the airport and, if you do not have status, of being placed in removal proceedings or detained.** Some people do not need to be concerned about flying. For people with valid work permits, DACA or TPS status, or people who are already in removal proceedings, flying does not carry the same risks because immigration authorities already know that these individuals are here.