



**U.S. Department of
Transportation**

Fact Sheet

Answers to Frequently Asked Questions Concerning the Air Travel of People Who Are Or May Appear to Be of Arab, Middle Eastern or South Asian Descent and/or Muslim or Sikh

Since the terrorist hijackings and tragic events of September 11, the Federal Aviation Administration (FAA) has issued directives to strengthen security measures at airline checkpoints, passenger screening locations, and boarding gates. As the Department of Transportation (Department or DOT) works to strengthen transportation security in the aftermath of the horrific attacks that occurred on September 11, DOT is also continuing its efforts to ensure that those new security requirements preserve and respect the civil rights of individuals and protect them from unlawful discrimination. The Department is committed to ensuring that all persons are provided equal protection of the laws and that no person is subject to unlawful discrimination when traveling in the Nation. Various Federal statutes prohibit unlawful discrimination against air travelers because of their race, color, religion, ethnicity, or national origin.¹

The terrorist attacks of September 11, 2001, have raised concerns about intimidation, harassment and bias directed at individuals who are, or are perceived to be, of Arab, Middle Eastern, or South Asian descent and/or Muslim or Sikh. This Fact Sheet provides information about how the strengthened security requirements better secure our air transportation system and still fully comply with the civil rights laws by providing examples of the types of actions that airline or airport personnel may and may not take when checking in and screening passengers. The examples listed below are not all-inclusive and are simply meant to provide answers to frequently asked questions since September 11 concerning the air travel of people who are or may appear to be of Arab, Middle Eastern or South Asian descent and/or Muslim or Sikh.

Question: What new DOT/FAA security restrictions on carry-on items should I be aware of before I fly on a commercial airliner?

- In addition to other weapons, knives of any length, composition or description, including kirpans², are prohibited beyond the screener checkpoints. Knives may be placed in checked luggage.

¹ See, e.g., 49 U.S.C. §41702, 41310, and 40127 and 42 U.S.C. § 2000d *et seq.*

² A kirpan is a sheathed sword, usually sharp and 2-4 inches in length. It is a mandatory article of faith for initiated Sikhs and is almost always carried on the person. Some Sikhs wear mini-kirpans that are not knives on necklaces. These mini-kirpans are no more harmful than small crosses worn by some Christians and are permitted beyond screener checkpoints.

Question: What are my rights when I fly on a commercial airliner?

- Individuals who may appear to be of Arab, Middle Eastern or South Asian descent and/or Muslim or Sikh have the right to be treated with the same respect as persons of other ethnicities and religions, and all persons should be treated in a polite, respectful and friendly manner.
- Persons or their property may not be subjected to inspection, search and/or detention solely because the persons appear to be Arab, Middle Eastern, Asian, and/or Muslim or Sikh; or solely because they speak Arabic, Farsi, or another foreign language; or solely because they speak with an accent that may lead another person to believe they are Arab, Middle Eastern, Asian, and/or Muslim or Sikh.
- Individuals may not be selected for additional screening based solely on appearance or mode of dress that is associated with a particular national origin or religion. For example, selecting a woman for additional screening solely because her hair is covered or she is wearing a veil, as some Muslim women do, is unlawful discrimination. Selecting a man for additional screening solely because he is wearing a long beard or hair covering, as some Muslim men do, is unlawful discrimination. Likewise, selecting a man for additional screening solely because he is wearing a turban, as some Sikh men and women do, is unlawful discrimination.
- Persons and their property may not be denied boarding or removed from an aircraft solely because the person appears to be Arab, Middle Eastern, Asian, and/or Muslim or Sikh; or solely because they speak Arabic, Farsi, or another foreign language; or solely because they speak with an accent that may lead airline or airport personnel to believe they are Arab, Middle Eastern, Asian, and/or Muslim or Sikh.

Question: What can I expect as I go through the security screening process at the airport?

- During the check-in process, names of passengers may be compared to an FBI watch list to ensure the safety of the traveling public.
- Knives found during the security screening of persons and their carry-on luggage will be confiscated and a ground security officer and/or law enforcement coordinator may be notified. Kirpans that are found during security screening will also be confiscated if not placed in checked luggage or removed from the airport by someone not entering the secure area.
- Some passengers will be selected for additional screening on a random basis when crossing the screener checkpoints.³ The additional screening often consists of the use of a hand held

³ Besides screening on a random basis, a person will be subjected to additional screening if he/she exhibits suspicious behavior. For example, if security personnel see an individual placing a sharp object in his/her shoe and that individual proceeds to walk through the metal detector, then the

metal detector in conjunction with a pat-down search, and the search may become more thorough if the initial search indicates that a prohibited item may be concealed.

- Individuals who pass through a metal detector without setting off the device may be subjected to additional screening if the individual is properly selected on a truly random basis. Similarly, where a turbaned Sikh passes through a metal detector without setting off the device, the Sikh may be subjected to additional screening if the Sikh is properly selected on a truly random basis.
- Passengers who pass through a metal detector and set off the device will be subjected to additional screening through the use of a hand held metal detector if they wish to go beyond the screening checkpoint. Where a hand held metal detector is not available, the passengers will be subjected to a manual pat down as a means of ensuring that a prohibited item is not being carried. Similarly, where a turbaned Sikh passes through a metal detector and the device is set off, the screener should, where available, use a hand held metal detector around the turban to determine if there is a risk of a prohibited item being concealed.
- Passengers whose heads trigger the hand held metal detector will be subjected to a manual pat down including probing of the hair if they wish to go beyond the screener checkpoint. Similarly, where a turbaned Sikh triggers the hand held metal detector when it is near or over his or her head, then a manual pat down including probing of the turban and hair is necessary if the Sikh wishes to go beyond the screener checkpoint. Screening personnel must request permission to touch a person and his/her clothing, particularly the hair or turban of a Sikh, prior to doing so.
- In instances where a manual pat down indicates that a prohibited item may be concealed or the pat down is insufficient to make such a determination, then the passenger will be more thoroughly searched if he/she wishes to go beyond the screening checkpoint. Similarly, where a manual pat down of a turbaned Sikh's head indicates that the Sikh may be carrying a prohibited item in his/her hair or the pat down is not helpful in making such a determination, then the Sikh's turban must be searched, if the Sikh wishes to go beyond the screening checkpoint. Again, screening personnel must request permission to touch a person and his/her clothing, particularly the hair or turban of a Sikh, prior to doing so.
- If a search or inspection involving the removal of clothing is necessary for safety or security reasons, screeners should provide the person involved a choice of a public or private inspection. Private searches may be perceived to be overly intimidating while public searches may be viewed as humiliating or may violate an individual's religious tenets. For example, the removal of a Muslim woman's veil in public or in the presence of a man, not her husband, will violate her religious beliefs. Likewise, a Sikh's turban is a religious article of faith and a public search will likely create great embarrassment and fear for the Sikh. After a turban search in private, a Sikh should be provided a mirror to retie his or her turban.
- Passengers identified by the Computer Assisted Passenger Prescreening System (CAPPS) as selectees, including those selected by a computer at random, will be subjected to additional

security personnel must search the shoe even if the individual passes through the metal detector without setting it off.

screening at the boarding gate in addition to having their checked baggage being subject to additional security requirements. The CAPPS selection criteria have been reviewed by the Department of Justice to ensure that the methods of passenger selection are non-discriminatory and do not constitute impermissible profiling of passengers on the basis of their race, color, religion, ethnicity, or national origin. The additional screening will consist of a search of carry-on items and the search of the person through the use of a hand held metal detector in conjunction with a pat-down search. The search may become more intrusive if the initial search indicates that a prohibited item may be concealed.

Question: How do screeners determine when additional security screening is appropriate?

- All available facts and circumstances must be taken into account in identifying persons or property that may be a safety or security risk. Although the screeners' actions could, at times, appear to be offensive to the person involved, screeners would continue to be justified in conducting additional questioning, inspections or searches, for safety or security reasons, in certain situations; for example: a person wearing a turban or head dress, while being searched at an airport security checkpoint, triggers the handheld metal detector when it is near his or her head; or a veiled woman shows photo identification to prove her identity but it is difficult to conclude that this woman is the same person as the woman in the photo without checking her face. When it is necessary to verify the identity of a veiled woman, whenever possible, her face should be checked by female safety or security personnel in private or only in the presence of other women so as not to violate her religious tenets.
- Airline and airport personnel must use the "but/for" test to help determine the justification for their actions. *But for this person's perceived race, ethnic heritage or religious orientation, would I have subjected this individual to additional safety or security scrutiny?* If the answer is "no," then the action may violate civil rights laws.

Question: What can I do if I believe that my rights have been violated?

- Members of the public, who feel they have been the subject of discriminatory actions or treatment by air carriers, may file a complaint by sending an email, a letter, or a completed complaint form to the Aviation Consumer Protection Division (ACPD). ACPD's e-mail address is airconsumer@ost.dot.gov and its mailing address is: Aviation Consumer Protection Division, U.S. Department of Transportation, Room 4107, C-75, Washington, DC 20590. Complaint forms that consumers may download and/or print are available at <http://www.dot.gov/airconsumer/problems.htm>.