



## SAFER BORDER CROSSING TIPS FOR SEX WORKERS

**MAGGIE'S TORONTO SUPPORTS THE RIGHTS OF SEX WORKERS TO CROSS BORDERS, TO MOVE, AND WORK WITHOUT DISCRIMINATION OR CRIMINALIZATION.**

Sex workers are at risk of being detained and questioned as the US border, which can be a traumatic process. State authorities will quiz you on the most intimate details of your life. We have put together this guide to support you in the process so that you can be better prepared. This guide is not legal advice, it is legal information.

### AM I AT RISK?

- If you have worked as a Sex Worker in the last 10 years you are at risk of being stopped, questioned and prevented from entering the US.
- You don't need to have been convicted or criminally charged prior to being stopped at the border and you don't need to be travelling for work purposes to be stopped. Simply exchanging sexual services for money is grounds for being denied entry.

### TRAVEL TIPS

- Dress well - don't wear anything you've posted in your ads or on twitter.
- Don't travel with items that may be suspicious such as condoms, toys, extra high heels and lingerie. You can buy safer sex supplies once you cross over.
- Don't fly with a client - have your client give you money to pay for the flight.
- Have a return ticket.
- Leave your work phone at home.

### IF YOU GET STOPPED FOR QUESTIONING...

- Questioning is meant to make you feel uncomfortable. Stay calm and take care of yourself.
- Have the name of hotel or friend where you are staying as well as what you are planning on doing while visiting. Be able to verify your story.
- Focus on your non-sex worker identity.
- If there are questions you feel you can answer safely that do not incriminate you or anyone else you know, do so calmly.
- Do not sign anything. If you feel safer signing, then ask for a copy.
- If you are a racialized and/or transgendered person, questioning and personal treatment may be more intense.
- On average, questioning takes 9-12 hours.
- You will be sent back to Canada after questioning; immigration officials cannot charge you with a criminal offence.

#### CBP officers may ask for:

- evidence of residential, employment or educational ties to Canada
- proof that the trip is for a legitimate purpose and is of a reasonable length
- proof of financial support while in the country

**IF YOU ARE DETAINED AND QUESTIONED, PLEASE CONTACT US AT MAGGIE'S – TORONTO SEX WORKERS' ACTION PROJECT ([INFO@MAGGIESTO.ORG](mailto:INFO@MAGGIESTO.ORG)) AND AT NO ONE IS ILLEGAL - TORONTO ([NOONEISILLEGAL@RISEUP.NET](mailto:NOONEISILLEGAL@RISEUP.NET)).**

Updated July 2020

## BACKGROUND: SAFER BORDER CROSSING TIPS FOR SEX WORKERS

A number of Canadian citizens, who are also sex workers, have been stopped and questioned at the US border. After the questioning most of them were banned for 5-10 years from entering the United States.

### U.S. Immigration Laws Around Sex Work:

Sex Work has a specific definition under us immigration law, and includes “The term “prostitution” means engaging in promiscuous sexual intercourse for hire. A finding that an alien has “engaged” in prostitution must be based on elements of continuity and regularity, indicating a pattern of behavior or deliberate course of conduct entered into primarily for financial gain or for other considerations of material value as distinguished from the commission of casual or isolated acts”. You don’t need to have been convicted or criminally charged prior to being stopped at the border and you don’t need to be travelling for work purposes to be stopped. Simply being a sex worker is grounds for being denied entry.

### WHO WILL STOP ME AND WHERE?

Immigration and Customs Enforcement (ICE) officers may stop you crossing in at customs. In Toronto, US customs is at Pearson. If you’re flying from Billy Bishop Airport, US customs is when you land in the US. If you’re crossing over by land, US customs will be at the border. It may be easier - physically and emotionally - to get detained at the Toronto/Canada end as it is easier to get in touch with folks for support and there is less uncertainty about where you’ll go, as well as not having the trauma of being flown back to Canada.

### TRIP PLANNING – MORE TIPS

- Spend time going through your things before your flight;
- Don’t take outfits you’re wearing in your online ads, including twitter.
- Don’t travel with items that may be suspicious such as condoms, extra high heels and lingerie. You can buy safer sex supplies once you cross over.
- Let a friend (safe call) know details of your trip. Plan for what they should do if they don’t hear back from you by an agreed upon time frame.
- Have a return ticket.
- You may want to take down your website before travelling, but it’s nearly impossible to remove online ads and reviews.
- You can purchase a sim card on the other side of the border.
- You will need full name, phone number and address of the hotel or friend’s house.
- Have a list of things you’re going to do when you get to your destination. If you’re saying it’s a vacation, write down some tourist attractions like museums and restaurants to match your story. If you are a student, bring your student card and know how to access your student account.

### PRECLEARANCE

Even if you are not targeted by the US border officials, you may raise suspicion at preclearance. Speak clearly and look the agent in the eye as you talk. Here are examples of questions that you will need to answer:

- Where are you going?
- What is the purpose of your trip?
- How long are you staying for?
- Where are you staying?
- Who are you staying/travelling with?

- What is your occupation?

Remember that racism occurs at the border; racialized women are more likely to get questioned on suspicion of sex work and 'trafficking'. If you are a non-Canadian citizen or a person of colour, these questions may be more intense. You may be asked to give the phone number of the friend you are staying with or the person who is picking you up at the airport, and the agent may call that person to verify. If you are travelling with someone, they might also ask you questions about that person. In this case, your stories will need to match up.

### **IF I GET STOPPED AND BROUGHT IN FOR SECONDARY QUESTIONING, WHAT SHOULD I DO?**

- Remain calm. Take care of yourself.
- Remember: Questioning is meant to make you feel uncomfortable, so that you answer questions quickly and get out of there.
- Questioning also often involves an unstated promise: you'll be made to feel like if you just answer all their questions you'll be allowed into the country. This is not true.
- The border agents will tell you that they have all of the answers to the questions they are going to ask you, and they only need you to verify them. This is not true. They are looking to gather more information about you and about your coworkers.
- The room will be cold, your phone, purse and passport will be taken from you, there may be latex gloves out on the table, and you will often be left waiting for hours without anything to do between questionings. They will ask the same questions over again.
- It is human nature to want to explain yourself. However, even if you've done

nothing wrong, don't try to explain yourself out of it because everything you say will be used against you.

- The border agents will ask you about your work, family, co-workers ("duos") and intimate relationships. It can help you to build a strong non-sex worker identity through a legitimate business. Business cards, a website and/or training certificate can help support this identity.

### **HERE ARE A FEW THINGS TO REMEMBER:**

- At the border you do not have many rights.
- You do not have the right to silence, but you do not have to answer any questions.
- If there are questions you feel you can answer safely that do not incriminate you or anyone else you know, do so calmly.
- Keep your answers short and simple.
- You can say "I don't want to answer that" or "I don't know" or "I am sorry, I don't feel comfortable with that question."
- You can refuse to answer all questions and request that you may be returned to Canada. However, officials may detain you for search and/or questioning.
- You do not have a right to counsel, but if you have the number of a US lawyer at hand who would be able to answer questions, you can request that ICE contact them. ICE may choose not to honor your request.
- On average, questioning takes 9-12 hours.
- You can ask for food and water and to go to the bathroom.
- At some point, they will open your luggage and go through all of your things in front of you.
- You will be asked to sign an affidavit at the end. Even though you will be tired

and frustrated and possibly traumatized at this time, do not sign any affidavit. You can simply say to the officials that you will not be signing any documentation without a lawyer present. If you feel safer signing the document, then ask for a copy.

- Remember that everything that you say during questioning will stay in your file for the rest of your life.

### IF I AM QUESTIONED AND SENT BACK, WHAT HAPPENS NEXT?

Most likely you will be banned from entering the US for a minimum of 5 years. If you travel in the US before the ban is over, you will be charged with a federal crime. After the ban, you may or may not be subject to questioning again. Remember that legally you cannot enter the US within 10 years of working as a sex worker.

### WHAT IF I DON'T HAVE FULL CANADIAN CITIZENSHIP? CAN CANADA REFUSE TO TAKE ME BACK?

Yes. If you have a temporary visa re-entering is always discretionary - the decision is made at the port of entry: <https://www.cbsa-asfc.gc.ca/travel-voyage/inadmissibility-interdiction-eng.html>

### WILL THIS IMPACT MY CHANCES OF GETTING CITIZENSHIP?

Refusal to re-enter itself wouldn't necessarily affect your chances to get Canadian citizenship. If you are found inadmissible for

"criminality" that would adversely affect your PR (and you could be stripped of PR).

**Note:** In order to determine inadmissibility, foreign convictions and laws are equated to Canadian law as if they had occurred in Canada. With the introduction of Bill C36 we are still unsure how this will play out at the border.

### INTERNET SECURITY TIPS - THIS CAN HELP YOU AVOID DETECTION!

- Practice basic internet security. See this Guide: <https://www.eff.org/deeplinks/2014/07/protecting-your-anonymity-how-sexworkers>
- Use a pay-as-you-go credit card for websites that are not connected to your real identity. You can buy these at pharmacies.
- Facial recognition programs are used to identify sex workers; if your face is visible on your site this may make it easier to be tracked.
- Do not use a phone number for sex work that is connected to your real identity. You can buy a pay-as-you-go phone in cash for about \$35/month with unlimited calling, texting and data in Canada and the US.
- If you have already paid for your domain with your visa, ensure you've registered your domain privately so a "who is" search on your domain will not reveal your legal name

Do what feels safe under the conditions to take care of yourself. Anti-sex work laws exist to make us unsafe. If you are detained and questioned, please contact us at **Maggie's – Toronto Sex Workers' Action Project** ([info@maggiesto.org](mailto:info@maggiesto.org)) and **No One is Illegal – Toronto** ([nooneisillegal@riseup.net](mailto:nooneisillegal@riseup.net)) to let us know exactly what happened so we can keep track of changes in immigration enforcement strategies in the United States.