

# THE RIGHT TO TRAVEL

In recent years, many Americans have been disturbed by the decision of the Transportation Security Agency (TSA) to implement airport screening procedures far more intrusive than anything previously seen in the United States, including aggressive body searches of passengers. These techniques—which often include touching travelers’ breasts and genitals—present especially serious concerns for transgender people, who can be outed against their will only to face bias and harassment. Current screening procedures can be especially traumatic for transgender children.

In the National Transgender Discrimination Survey data collected before these more intrusive techniques were introduced, nearly one in five transgender travelers reported having been harassed or disrespected by airport security screeners or other airport workers<sup>1</sup>. In 2011, the TSA began phasing in new screening technology that replaces electronic viewing of images of passengers’ unclothed bodies with automated detection of potentially hazardous objects. Unfortunately, this technology may still misidentify transgender people’s bodies as threats and lead to more intrusive and harassing treatment.

NCTE continues to hear troubling stories from transgender travelers about their treatment by TSA, as well as by officials at U.S. border crossings. While NCTE has long worked with TSA to promote better staff training, respond to individual complaints, and educate the trans traveling public, the agency’s lack of transparency and persistent use of invasive and unproven security procedures are a continuing cause for concern.

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<sup>1</sup> *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, at 130, 132.

## Policy steps

- The Transportation Security Administration should adopt more effective and less intrusive airport screening protocols that do not require additional screening of transgender travelers based solely on their personal characteristics, prosthetics, or clothing.
- The Transportation Security Administration should include transgender competence in its basic training curriculum for airport security screeners and other Transportation Security Officers.
- The Transportation Security Administration should issue guidance for transgender travelers to enhance their understanding of their rights and how screening methods may affect them and to help mitigate the harms of current screening methods.
- U.S. Customs and Border Patrol (CBP) should include transgender competence in its basic training curriculum for CBP agents.
- U.S. Customs and Border Patrol should adopt a policy for physical searches that permits a transgender person to choose whether they will be searched by a male or female officer.