

# KNOW YOUR RIGHTS

## WHILE PROTESTING AS NON-CITIZENS

The First Amendment of the U.S. Constitution generally protects your right to engage in protests and political speech. The First Amendment also guarantees the right to associate with others, in groups or otherwise, for speech, religious, or political purposes. **These rights cover anyone in the U.S., regardless of citizenship or immigration status.** This guidance is intended to appraise you of your rights & the potential risks in the current context of governmental repression of Palestine-solidarity related speech. Our guidance is informed by historical repression of this & other movements.

### SOME TYPES OF SPEECH YOU CAN ENGAGE IN

- Statements in solidarity with Palestine or the people of Gaza
- Statements expressing opposition to Zionism
- Statements criticizing the Israeli or United States governments
- Statements calling attention to the genocide taking place in Gaza
- Statements which reflect the general right of Palestinian people to resist occupation.

### SOME TYPES OF SPEECH THAT CAN ADVERSELY AFFECT A NON-CITIZEN'S IMMIGRATION STATUS

- Inciting, advocating, declaring public approval/support of, or persuading others to advocate or declare public approval/support of terrorist activity\*
- Advocating for or declaring public approval/support, or persuading others to advocate or declare public approval/support of a "terrorist organization"\*\*
- Soliciting funds for "terrorist activity" or "terrorist organizations"
- Advocating for the control, opposition, or overthrow of the U.S. government by force or violence

### SOME TYPES OF ASSOCIATIONS THAT CAN ADVERSELY AFFECT A NON-CITIZEN'S IMMIGRATION STATUS

- Membership in any "terrorist organization"
- Being a representative (including an officer, official, or spokesperson, but not merely a member) of any group that advocates for or declares public approval/support of "terrorist activity"

\* "Terrorist activity" is defined broadly to cover many acts including the taking of hostages, assassinations, or the use of any weapon with the intent to endanger the safety of others or to cause substantial damage of property. The threat, attempt, or conspiracy to do any of these acts can also be considered "terrorist activity."

\*\* "Terrorist organization" is defined broadly to include not only designated Foreign Terrorist Organizations (such as Hamas and Hezbollah), but also any organization which engages in "terrorist activity."

**If you are a non-citizen who has exercised your First Amendment right to associate with any organization or a specific cause, consider consulting an attorney before applying for any immigration benefits or appearing for any immigration-related interviews.**

#### IF YOU ARE CONTACTED BY LAW ENFORCEMENT

- **Do not** answer any questions (you do not have to answer any questions about your immigration status).
- **Do** ask for a business card.
- **Do** contact CLEAR or another trusted attorney.

#### IF YOU ARE ISSUED A TICKET/SUMMONS AT A PROTEST OR OTHERWISE ARRESTED AT A PROTEST

Consult an attorney about how this may affect your immigration status and/or your ability to successfully apply for immigration benefits in the future. You have a constitutional right to be advised of the immigration consequences of a criminal conviction. Any interaction with law enforcement, even short of arrest/detention, can lead to contact with ICE and may need to be reported in any future immigration application. **If you are undocumented, such an arrest may trigger deportation proceedings.**

#### IF YOU'RE ENGAGED IN POLITICAL ADVOCACY

- Consider implementing digital security practices, such as enabling privacy, using encrypted messaging platforms, etc. for attending protests, organizing, or posting on social media.

#### IF YOU ARE ON A NON-IMMIGRANT VISA (E.G. STUDENT OR TOURIST VISA)

- If you are on a student visa, be mindful of school policies as outlined in your school's student handbook. Academic discipline which results in a suspension or expulsion from school can affect your immigration status. Consult with an attorney if you have any concerns.
- You should contact CLEAR or a trusted attorney before planning any international travel.