

Information for Noncitizens Participating in the Women's March

The right to peacefully protest is an important a fundamental right of every person in the United States, regardless of citizenship status. Participating in protests sends a message to elected officials and our communities about our values and is a powerful way for non-citizens to participate in democracy. This document provides information for noncitizens who plan to attend the march. A small legal team of criminal defense attorneys and immigration attorneys will be present at the march.

BACKGROUND ON THE WOMEN'S MARCH

INFORMATION ABOUT THE MARCH AND THE ROUTE

The organizers of the Women's March have obtained permits to do the march in Washington, D.C. This means that the march has been approved by the city and that participants will not be arrested just for participating in the march. Participating in a march does not carry immigration consequences. www.womensmarch.com

But participating in "protest" activity, such as a civil disobedience action, could result in an arrest or a conviction. These may carry immigration consequences. Read this document to find out how to assess your risk.

WHAT POLICE AGENCIES ARE IN CONTROL OF THE MARCH'S ROUTE IN WASHINGTON, DC?

Different police agencies will cover different sections of the march. Some are federal police agencies, like the Park Police or Capitol Police. There is one local police agency, the Metropolitan Police Department of the District of Columbia (MPDDC) that will cover the route as well.

It is very unlikely that Immigration and Customs Enforcement (ICE) agents will be present at the march.

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WHAT ACTIONS AT THE MARCH WOULD INCREASE MY RISK OF ARREST AND WILL I BE WARNED?

Engaging in general disorderly or noisy behavior, blocking intersections, streets or driveways and refusing to move when ordered to move by police, or defacing of private property.

It is the custom of the DC and Park Police to warn demonstrators/give directions to move multiple times if demonstrators are engaging in protest behavior. However, they are not required to give warnings, so be aware of what is going on around you at all times.

WILL THERE BE LEGAL SUPPORT FOR NONCITIZEN MARCHERS?

Yes. There will be immigration attorneys working with criminal defense attorneys in the event noncitizens are arrested at the march.

CAN I WEAR CLOTHING THAT SAYS I AM AN IMMIGRANT? WHAT IF I WEAR A SHIRT THAT SAYS I AM DEPORTABLE?

You cannot be arrested or targeted for wearing clothing or holding signs that advertise your status as a non-citizen. Your right to free speech extends to words written on your clothing. You will not be targeted by police based on signs that you hold or shirts that you wear, regardless of the message written on them, if you are otherwise taking place in lawful activity.

WHO IS MOST AT RISK OF IMMIGRATION ENFORCEMENT IF A NONCITIZEN IS ARRESTED?

People with prior deportation orders or a criminal record are at the most risk. It is strongly recommended that you get some legal advice or work with legal advocates to understand the risks of participating in a demonstration if you have a final deportation order or a criminal record.

PLAN AHEAD TIPS FOR NONCITIZENS BEFORE THE MARCH

MAKE A TRAVEL SAFETY PLAN to and from Washington, DC. Check the National Immigration Project of the NLG website at <https://nipnlg.org/marchAct.html>. Also read the ACLU-NCA webpage on rights in Washington, DC: <https://www.acludc.org/en/inauguration-2017-know-your-rights>

PARTICIPATE IN A “DE-ESCALATION” TRAINING before you come to DC. It is possible that vigilantes may try to disrupt the march.

WRITE THE LEGAL HOTLINE NUMBER or the number of an attorney (if you have one) on your body. Check the Women’s March webpage for the hotline number at <https://www.womensmarch.com/>

KNOW where your women march marshalls are.

BRING \$100 IN CASH with you to pay a citation in the event you are arrested and asked to pay a fine. If you don’t have the money on you, be prepared that you may spend time until the citation is paid.

Rx/MEDICATIONS/MEDICAL EQUIPMENT:

If you have prescription medication which you need within 24 hours after arrest, you should bring your medication with you, in the original Rx bottle (and preferably with a doctor’s note). There is a small chance that for people with medication, instead of letting you take your medications yourself (for diabetes, glaucoma, etc.), the police will take you to the ER for “treatment” (and the hospital will bill you for those services). If you require medical equipment, we suggest you minimize your risk of arrest as police may send you to the ER and lengthen your stay.

CONTACT PAROMITA@NIPNLG.ORG if you are planning to bring groups or delegations of noncitizens to the March and have questions.

BE AWARE THAT DC LAWS ARE STRICT with regard to contact with police. Do’s and Don’ts/: No contact with Police Officers -- ANY physical contact with a police officer may bring charges of Assault on a Police Officer (APO), which can be a felony or misdemeanor. Any touching of any kind, however minor, is strongly discouraged. If you are being arrested, you should not pull away if they grab your arm or otherwise physically resist, as this may bring additional charges and these charges could carry immigration consequences.

WHAT IF I AM ARRESTED BY THE POLICE?

WHAT IS THE RISK THAT I WILL BE TURNED OVER TO IMMIGRATION?

REMEMBER YOUR RIGHTS:

- You NEVER have to speak to the police.
- You ALWAYS have the right to remain silent.
- You can ALWAYS ask if you are being detained.
- If the police are NOT detaining you, you can ALWAYS leave.
- ALWAYS tell the police you DO NOT consent to a search. However, apart from refusing consent, interfering with a police search can result in VERY serious charges.
- ALWAYS remember what witnesses were present during a confrontation.

WHERE WILL I BE TAKEN IF I AM ARRESTED?

- MPD (DC police) have several different precinct locations where you could be taken, following arrest. Call the hotline if you can to let them know where you are.
- In the unlikely event you are held overnight, you will be taken to “Central Cellblock” (next door to DC Superior Court) and would appear in court on Monday.

WILL ICE AGENTS BE AT THE POLICE STATION, OR AT THE DC JAIL?

We don’t think so. But some federal police agencies work closely with ICE.

- If you are held overnight, it is possible that ICE agents may try to speak with you by phone or in-person.
- Call the legal hotline number and tell them where you are.
- Do not speak to ICE agents until you have had spoken with your lawyer or public defender.
- Tell your public defender or criminal defense attorney about your immigration status.
- Do not sign papers you do not understand.

THREE THINGS CAN HAPPEN IF YOU ARE ARRESTED BY THE POLICE

DEPENDING ON THE CHARGES, MOST PEOPLE WILL BE RELEASED ON:

1

POST AND FORFEIT:

- DC Police, Park police and Capitol police offer the option to “post and forfeit” which means to pay a fine (usually \$100) to forfeit the right to a trial.
- You will be given a piece of paper that looks like a ticket and it means your case is over immediately.
- You will usually be processed the same day.
- You WILL NOT have to return to court, WILL NOT get a trial, and WILL NOT get your money back.
- You must pay on time or an arrest warrant will issue.

IMMIGRATION CONSEQUENCES:

- The DCMPD police “post and forfeit” option does not result in immigration consequences;
- It is likely that the post and forfeit option offered by Park and Capitol police is mostly likely immigration-safe.

– OR –

2

RELEASED ON CITATION: (SIMILAR TO RELEASE ON RECOGNIZANCE) –

- DC Police or Park Police may release some individuals without paying bail who give an address within 50 miles of DC and government ID (e.g. license) if they sign a paper promising to appear in court on a future date and agree to be interviewed to verify identity.
- Future court appearance is REQUIRED.
- This means you will have to return to DC.
- It requires Government ID. If you receive this, please contact paromita@nipnlg.org.

IMMIGRATION CONSEQUENCES:

- This does not carry immigration consequences at the time.
- But you need to consult with an immigration lawyer and a criminal defense lawyer later.

– OR –

3

ARRESTED FOR SOMETHING MORE SERIOUS:

- Contact the legal hotline number immediately and make sure others know you need to contact the hotline.
- Make sure you know which police station is detaining you and anything you know about your arrest.
- It is possible that you could be held overnight. If you are held overnight, contact the hotline number immediately and flag for the hotline that you are high priority.

ACKNOWLEDGEMENTS:

This information was developed from materials prepared by Caleb Medearis, and Ann Wilcox from the DC National Lawyers Guild, in consultation with Marie Mark at the Immigrant Defense Project.

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