
Q & A
RIGHTS WHILE BEING
UNDOCUMENTED OR
DACAMENTED DURING
PROTESTS



Who can protest?

Every person has a constitutional right to engage in protest. **The First Amendment's protections are not limited by immigration status.**

However, for those that are not U.S. citizens, interaction with the police during a protest may pose different risks. There are risks for individuals that are Legal Permanent Residents, Asylees, Refugees, F-1 Visa Holders, and those that are undocumented.



Where can I protest?

You have the right to protest in public forums such as streets, sidewalks, or parks. The government can regulate the time, place, and manner that you protest, but it cannot unreasonably restrict it.



What is free speech?

Free Speech is more than words. It includes clothing, music, signs, and conduct that expresses yourself.

Under Utah law, it does not include defamation, words to encourage a violent reaction or committing a crime, obscenity, or targeting a specific person's home.



Can I record during a protest?

You have the right to record and take pictures during a protest as long as it does not interfere with police activities. Disable face and touch ID to unlock your phone before a protest. The police cannot force you to unlock your phone, delete, or turn over any photos, videos, or recordings on your phone without a warrant signed by a judge.



Can police get involved in a protest?

Police have the right to intervene in a protest only in certain situations. If police issue orders during a protest, it is important that you calmly follow them. You can be arrested for disturbing the peace if you fail to follow police orders.



What do I do if I am arrested?

If arrested, you have the right to remain silent and ask for an attorney. **In Utah, you only have to provide your name, date of birth, and address if arrested.** You have the right to ask why you are being arrested. Exercise your right to remain silent and ask for an attorney.

Stay calm. Do not argue, complain, run, touch, or push an officer. There can be criminal consequences for resisting arrest, assaulting a police officer, or disturbing the peace. Remember that anything you say or do during an arrest can be used against you in criminal and immigration court.



What do I do if I am taken to jail?

Some county jails in Utah honor ICE detainers. If taken to jail, you have the right to remain silent and ask for an attorney. Exercise this right.

If you are a citizen of another country, you have the right to call your consulate. You have the right to make a local phone call. If this phone call is to an attorney, it cannot be recorded.

If an ICE officer visits you in jail, do not say or sign anything without consulting an attorney. You have the right to say, “I wish to remain silent”.

Do not discuss your immigration status with anyone but your lawyer. Do not lie about your immigration status or present false documents. This can have serious immigration and criminal consequences.



What do I do if I am charged with a crime?

Do not sign any plea agreement without talking to an attorney. You have the right to know the immigration consequences of any criminal conviction. Even misdemeanors may have immigration consequences. Speak to an attorney before signing or accepting any plea deal.



What do I do if ICE stops me at a protest?

You have the right to remain silent. ICE officers cannot search you without your consent. They cannot detain you without specific facts about you to make them believe that you are in violation of immigration law. Your race, ethnicity, and choice to remain silent are not enough for ICE to arrest you.



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