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Know Your Rights Guide: Academic Freedom and Campus Free Speech for Scholars and Students on Visas

In light of the recent actions taken by the Trump administration concerning academic freedom and free speech, particularly against noncitizens, as well as many universities' implementation of "time, place and manner" restrictions in response to protests and encampments related to the Israel-Hamas conflict, we have developed supplementary guidance to enhance our "FAQ: Campus Free Speech/Academic Freedom in Politically Charged Times."

This does not constitute legal guidance. For further guidance you should consult your local AFT affiliate, collective bargaining agreement, institutional regulations and/or faculty handbook, as well as state and federal law. You may also wish to join efforts to strengthen the language on academic freedom on your campus by joining your campus union. If you need more guidance or would like information on how to organize, please reach out to us at highereddept@aft.org.

Immigrant and international students and faculty in the U.S. do have First Amendment rights, but there are important nuances, especially depending on their visa status. On Jan. 29, 2025, President Donald Trump issued Executive Order 14188, "[Additional Measures to Combat Anti-Semitism](#)." This executive order states that visa holders may lose their status if they participate in protests on campus that the government disapproves of. As a result, federal immigration officers have been enforcing this executive order, targeting individuals based on their speech. This has led to the unlawful deportation of graduate researchers and international academics working in the U.S. on visas. Additionally, the government has been focusing on international workers who have committed even minor infractions unrelated to their speech, such as traffic violations. The following provides an outline of rights for academic freedom and campus free speech for scholars and students on visas:

1. Freedom of speech and assembly

- **First Amendment protections:** Everyone in the U.S., regardless of citizenship, has the right to free speech and peaceful assembly. This includes participating in protests, distributing literature and expressing political views. In most cases, the government cannot target an individual based on their speech.
- **Campus rights:** On public college and university campuses, these rights are protected as they are in other public spaces. Private institutions may have more restrictive policies, but they usually allow some level of protest or expressive activity.

The AFT is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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- Public institutions are bound by the First Amendment, which protects most speech and “expressive” activity—for example, picketing or wearing a pin supporting a particular cause. There are very narrow exceptions that permit censorship, including true threats of physical harm or incitement to imminent violence.
- Private institutions, on the other hand, are not required to uphold First Amendment protections, but as institutions committed to the public good and open debate and dialogue, their campus policies should follow free speech principles and support academic freedom. Check your institution’s policies. Private institutions that receive federal funding must also adhere to federal antidiscrimination laws, such as those applicable under Title VI and Title IX.

2. Limits based on immigration status

- **Nonimmigrant visas (F, J, H1-B, etc.):** International students and faculty on temporary visas must not violate the terms of their visas. While protesting isn’t inherently a violation, any behavior that leads to an arrest or is seen as criminal conduct could have immigration consequences (like visa revocation or denial of future entry). An arrest, even without a conviction, may have an impact on your current visa and/or your visa renewal, depending on the nature of the arrest.
- **Political activity caution:** While political activity is protected under the Constitution, the Trump administration has taken the position that engaging in certain types of political activity that it perceives as interfering with U.S. policy or government is grounds for removal. For example, the Department of State is relying on a rarely used provision of U.S. immigration law to deport pro-Palestinian activists. This provision allows the secretary of state to deport a non-U.S. citizen if their presence in the U.S. is deemed to have “potentially serious adverse foreign policy consequences.” The State Department has said that pro-Palestinian activists’ “beliefs and associations” are antisemitic and thus are counter to U.S. foreign policy interests.

3. Protest literature

Universities may have reasonable rules for signage that are enforced for the purposes of preventing significant disruption on campus and protecting campus property. For example, a rule that restricts signage from blocking entryways or from being affixed to any university buildings could serve a significant governmental interest of not blocking traffic and preventing damage to government property.

However, public universities may not regulate the *content* of signage except when language is used that is not protected by the First Amendment. Writing, distributing or posting protest literature is generally protected under the First Amendment and academic freedom protections where applicable. However:

- It must not incite violence or promote illegal activity.
- On campus, it usually must follow institutional “time and place” policies (e.g., designated flier zones or approval processes).
- Protest literature viewed as threatening or substantially disruptive to the university’s educational activities may be subject to disciplinary or legal action.

4. Law enforcement and immigration enforcement

- While protesting, it's important to carry a valid ID and, if you're here on a visa, to avoid situations that could lead to arrest. If you have valid, unexpired immigration documents and are over the age of 18, the law requires that you carry those documents with you.
- Enforcement by Immigration and Customs Enforcement is currently happening in places that were once considered safe from enforcement, such as schools. Please be aware that federal immigration officers may be in the crowd in plain clothes attire.

Best practices

- Know your campus's time, place and manner restrictions.
- Avoid violence or damage to property.
- Stay aware of visa conditions and avoid legal trouble.
- Consider consulting with an immigration attorney if planning to participate in protests regularly or publicly lead activism. [Immigration Advocates Network](#) is a great resource.

Protest Preparedness Checklist for Immigrant and International Students and Faculty Before the protest:

- **Know your rights.**
 - You have the right to free speech, peaceful assembly and protest.
 - You do **not** have the right to break laws or incite violence.
- **Review your visa terms.**
 - Arrests or legal charges (even minor ones) can affect your immigration status.
 - Avoid any action that might be perceived as illegal or substantially disruptive.
- **Check campus or local laws.**
 - Some campuses have time, place and manner restrictions. These are policies adopted by universities to regulate speech that is substantially disruptive to the university's business and mission.
 - At public institutions, the restrictions must be reasonable, viewpoint- and content-neutral, and created for the purpose of preventing significant disruption on campus (e.g., maintaining traffic flow or continuing classes), and they must provide *ample* alternative channels for communication.
 - While not bound by the strictures of the First Amendment, a private institution's time, place and manner policy should be aligned with its educational mission. Private institutions also may not enforce their time, place and manner policies in a way that runs afoul of antidiscrimination laws such as Title VII, Title VI and Title IX.
 - Learn the rules for posting fliers, handing out literature or holding events.

- **Stay informed.**
 - Follow updates from trusted organizers.
 - Bring a buddy, stay in groups for safety and communicate a meetup plan following the protest. Make sure you exchange contact information in case you become separated from the group or your pair. Make a plan with your buddy or group in advance to connect with your emergency contact in the case of detainment or separation.
- **Have legal support ready.**
 - Write down the number of a local immigration or civil rights attorney.
 - Legal organizations such as the ACLU or the Lawyers Guild may offer legal observers or hotlines at protests.
- **Keep documents safe.**
 - Carry **some form of ID**, ideally a copy of your passport and visa.
 - If applicable, carry your unexpired immigration documents.
 - Avoid carrying your original passport unless necessary.
- **Dress smart.**
 - Wear comfortable clothes and shoes. Avoid wearing jewelry.
 - Avoid anything that could be interpreted as threatening (e.g., masks or protective gear, unless needed for health/safety).

During the protest:

- **Know what to say.**
 - You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents or other officials. Anything you tell an officer can later be used against you in immigration court.
 - If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you.
 - If an immigration agent asks if they can search you, you have the right to say no. Agents do not have the right to search you or your belongings without your consent or probable cause.
- **Avoid risky behavior and/or unlawful behavior.**
 - Don't engage in unlawful activity.
 - Don't carry anything illegal.
 - Don't separate from your group in tense moments.

- Record interactions, if necessary, but understand local rules around recording in your location.

If confronted or arrested:

- Do not lie to the authorities. Stay calm, polite, and assert your rights.
- Don't sign anything without a lawyer, especially immigration-related documents.
- Call legal help. Use your prepared contact numbers.
- Contact your school's international office. It may help advocate for you or coordinate with legal counsel.

Distributing literature:

- Make sure literature avoids violence-inciting language.
- Follow campus rules for fliers or public postings.

Additional resources

- AFT Higher Education (Know Your Rights): [Protecting Our Students and Higher Ed Employees](#)
- ACLU: Know Your Rights (Protests) [aclu.org/know-your-rights](https://www.aclu.org/know-your-rights)
- Immigrant Legal Resource Center [ilrc.org](https://www.ilrc.org)
- National Lawyers Guild Legal Observers [nlg.org](https://www.nlg.org)
- National Immigration Law Center [nilc.org](https://www.nilc.org)
- [PEN America: Tips for Students Considering Engaging in a Protest Involving Civil Disobedience](#)
- NAACP: [Civil Disobedience Training](#)
- PEN America: [How to Plan a Peaceful Protest](#)
- [ACLU: Open Letter to College and University Presidents on Student Protests](#)
- [NYCLU: Speaking Out as a Public Employee](#)