



**n a t i o n a l**  
**IMMIGRATION**  
**p r o j e c t**  
of the National Lawyers Guild

## Know Your Rights for DC Curfew<sup>1</sup>

January 17, 2020

After Trump supporters and far-right insurrectionists stormed the U.S. Capitol on January 6, 2021, Mayor Bowser of Washington DC declared a state of public emergency, which included a [curfew](#) extending from 6pm on January 6, 2021 to 6am on January 7, 2021 for all persons in the District. **The Mayor has [extended](#) the public emergency through January 21, 2021, which would allow her to again impose a curfew at any time during that period.**

In recent days, there has been heavy law enforcement presence in DC including the presence of over 20,000 National Guard members. Streets and metro stations in the region have been [closed off or limited](#) leading up to the inauguration. [Security checkpoints](#) have been set up where law enforcement have been checking identification and limiting vehicle traffic. We encourage residents and visitors to avoid unnecessary travel during this time, take precautions, and be aware of your rights when interacting with law enforcement.<sup>2</sup> Remember that you have the right to remain silent, the right to talk to a lawyer before answering any questions, and the right to refuse a search.

Currently, there is no curfew in place in the District of Columbia. If another curfew order is issued, we will update this resource to include relevant information. However, you should be prepared in case a curfew is put in place. Based on the last curfew order issued on January 6, here are some things to expect and plan for.

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<sup>1</sup> Please note this information is intended as a resource for community members and does not constitute legal advice.

<sup>2</sup> Review these guides from the [ACLU-DC](https://www.acludc.org/en/know-your-rights-stop-and-frisk) (<https://www.acludc.org/en/know-your-rights-stop-and-frisk>) and [NLG](https://www.nlg.org/know-your-rights/) (<https://www.nlg.org/know-your-rights/>)

### ***What might a curfew order say?***

The January 6 curfew order applied to everyone in the District of Columbia between the hours of 6pm on January 6 and 6am on January 7. During those hours, no person was allowed to “walk, bike, run, loiter, stand, ride a scooter, or motor by car or other mode of transport upon any street, alley, park, or other public place within the District.”<sup>3</sup>

Violations of the order were punishable by a fine of up to \$300 or imprisonment for not more than 10 days.

### ***Who might be exempt?***

Under the January 6 curfew order, individuals performing essential duties or participating in essential activities, including working media and healthcare personnel, were exempt when engaged in essential functions. Exempted workers were also permitted to travel to and from their essential functions. Any other curfew order issued during the state of public emergency would likely contain these exemptions.

### ***How do I receive updates on curfews, street closures, transit updates, etc.?***

To receive text updates from the DC government regarding public safety, street closures, weather alerts, transit updates, and more, text INAUG2021 to 888-777.

### ***What if I need to work between 6pm and 6am?***

If you are an essential worker,<sup>4</sup> then you should carry with you proof of employment, such as an ID card or badge, recent pay stub, or letter from your employer confirming that you are engaged in essential work between the curfew hours, and need to travel to and from work during those hours.

### ***What if I am a noncitizen and I get stopped during the curfew?***

If you are an essential worker, the only information you need to show law enforcement is that you are authorized to be out after curfew. If you are stopped by police enforcing the curfew, do not affirmatively reveal your immigration status or national origin. You do not need to answer questions about your immigration status or national origin.<sup>5</sup>

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<sup>3</sup> Government of the District of Columbia, *Mayor Bowser Orders Citywide Curfew Beginning at 6PM Today* (Jan. 6, 2021), <https://mayor.dc.gov/release/mayor-bowser-orders-citywide-curfew-beginning-6pm-today>.

<sup>4</sup> The Mayor’s Order 2020-053 contains a list of Essential Businesses and Essential Government Functions. See Closure of Non-Essential Businesses and Prohibition on Large Gatherings During Public Health Emergency for the 2019 Novel Coronavirus (COVID-19), Mayor’s Order 2020-053 (Mar. 24, 2020), [https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release\\_content/attachments/Mayor%27s%20Order%2020-053%20Closure%20of%20Non-Essential%20Businesses%20and%20Prohibiti....pdf](https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release_content/attachments/Mayor%27s%20Order%2020-053%20Closure%20of%20Non-Essential%20Businesses%20and%20Prohibiti....pdf). If you are required to report for work in-person for an Essential Business or Essential Government function, you are likely exempt from the curfew.

<sup>5</sup> The Metropolitan Police Department has a policy that generally prohibits police officers from asking you questions about your citizenship, immigration, or residency status.

You may be required to show identification if you are stopped in your vehicle or at security checkpoints - if possible, we encourage you to show DC ID or municipal ID that does not reveal your immigration status. You should not show any foreign ID (foreign passport, foreign ID card) or other forms of identification that reveal your immigration status, including work permits, if at all possible.

***If I get arrested during curfew hours, will it be a problem for my immigration status?***

The impact of any arrest depends on many factors, including your immigration history and any prior contact with the criminal legal system. The curfew violation itself is likely not a crime involving moral turpitude or aggravated felony, both of which could trigger removal proceedings or bar you from immigration benefits in certain circumstances. It could, however, present difficulties if you have DACA or TPS. You should consult an immigration attorney to determine what impact a curfew violation might have on your status.

To qualify for DACA, a person must not have a felony conviction, a significant misdemeanor conviction, or three or more convictions for non-significant misdemeanors.<sup>6</sup> Violation of the DC curfew would likely be classified as a non-significant misdemeanor. If you are a DACA recipient and have two or more convictions for non-significant misdemeanors, then a curfew violation may affect your status.

TPS status can be revoked if a person is convicted of a felony or two or more misdemeanors.<sup>7</sup> Violation of the DC curfew would likely be classified as a misdemeanor. If you have TPS status and have one or more convictions for misdemeanors, then a curfew violation may affect your status.

If you are arrested during curfew hours, you could be charged with additional violations that this resource does not cover. [Know your rights](#) when interacting with law enforcement.

***Can I participate in protests?***

People who are protesting may be arrested for violating the curfew. If you are planning to participate in protests during curfew hours in DC, make sure you are aware of your rights when interacting with law enforcement. [Justice For Muslims Collective](#) and [NIPNLG](#) recommend that if possible, people should avoid the downtown DC area until after inauguration. You can also

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<sup>6</sup> A felony is an offense punishable by imprisonment of more than one year. A misdemeanor is an offense punishable by imprisonment of one year or less, but greater than five days. A “significant misdemeanor,” for DACA purposes, is a misdemeanor offense of domestic violence, sexual abuse or exploitation, unlawful possession or use of a firearm, drug sales (distribution or trafficking), burglary, or driving under the influence of alcohol or drugs, or any other misdemeanor offense for which the individual was sentenced to time in custody of more than 90 days. See DACA Frequently Asked Questions, [https://www.uscis.gov/humanitarian/humanitarian-parole/frequently-asked-questions#criminal\\_convictions](https://www.uscis.gov/humanitarian/humanitarian-parole/frequently-asked-questions#criminal_convictions).

<sup>7</sup> 8 U.S.C. § 1254a(c)(2)(B)(i).

follow our groups on Twitter for any developments, including [Sanctuary DMV](#), [ACLU-DC](#), and [Stop Police Terror DC](#).

***What if I am accidentally out late after curfew?***

To the extent possible, we advise staying indoors during curfew hours and also avoiding Downtown DC as it will be impossible to get around the city. Please note DC will be closing parking garages and numerous metro stations in the city. If you are accidentally out in public during curfew hours, try to get home as quickly as possible. We have included some resources below if you are in need of assistance.

***What if my boss won't let me out of work and I'm not an essential worker?***

Under the [Mayor's Order 2020-127](#), non-essential businesses are required to telework, except in person staff needed to support minimum business operations. If you are not an essential worker and are required to report to work in-person during curfew hours, you should obtain a letter from your employer confirming and explaining why you need to travel to and from work during curfew hours. Note that there is still a risk you may be arrested for violating the curfew.

***What if I need to go to the hospital?***

To the extent possible, we advise staying indoors during curfew hours. If you are not experiencing a medical emergency, call your healthcare provider. If you are experiencing a medical emergency, you can call an ambulance to transport you to a hospital. Emergency medical service providers are not covered by the curfew.

***What if I am in an unsafe environment at home?***

To the extent possible, we advise staying indoors during curfew hours. Before a curfew goes into effect, we recommend finding another place to stay if you are unsafe at home. Reach out to one of the local resources and organizations listed below who may be able to provide support.

***Are there any local resources or organizations I can access during the emergency if I need assistance?***

<b>General DC Shelters and Mutual Aid Numbers</b>	
<b>Casa Ruby</b> - Currently is offering shelter for LGBT people of color and is serving as an emergency shelter site for anyone who needs it.	Call: 202-596-4122 Email: <a href="mailto:info@casaruby.com">info@casaruby.com</a>
<b>Luther Place Church:</b> (offering emergency shelter for Jan 17-20th)	Call: 202-743-5030
<b>City Shelter Hotline Van:</b> If you need to request transportation to a shelter or a day program, please note with closures on the 20th, it will be hard to get to individuals.	Call: 202-399-7093

<b>Ward 2 Mutual Aid Line:</b> If you need support with food deliveries, calling rides to get to where you are going safely, and connecting to any of the other ward mutual aid efforts	Text/call: 202-688-5812 Email: <a href="mailto:w2mutualaid@gmail.com">w2mutualaid@gmail.com</a>
For information on <b>hypothermia shelters and low emergency shelters</b>	<a href="https://bit.ly/dcshelterdoc">check the link here</a> bit.ly/dcshelterdoc
<b>Domestic Violence Shelters</b>	
<b>DC Safe:</b> 24/7 crisis intervention agency for domestic violence in Washington, DC	<a href="https://www.dcsafe.org">https://www.dcsafe.org</a> Phone: 202-506-2901
<b>My Sister’s Place:</b> Shelter for DV survivors that are pregnant	<a href="https://mysistersplacedc.org">https://mysistersplacedc.org</a> Phone: 202-529-5261
<b>District Alliance for Safe Housing</b> <b>Description:</b> Largest provider of housing for DV and sexual assault survivors	Phone: 202-462-3274 Email: <a href="mailto:info@dashdc.org">info@dashdc.org</a>
<b>Domestic Violence Resource Project</b>	Hotline is available to call at 202-833-2232 to provide survivors of domestic violence survivors resources and referrals
<b>Food</b>	
<b>Capital Area Food Bank</b>	Phone: 202-644-9800
<b>DC Food Project</b> Description: Information on school meal sites, restaurants, organization and other businesses in the District to provide families access to food and other necessities	Email: <a href="mailto:dcfoodproject@gmail.com">dcfoodproject@gmail.com</a>
<b>Legal Assistance</b>	
<b>ACLU-DC</b>	Web: <a href="http://acludc.org/intake">acludc.org/intake</a> Email: <a href="mailto:intake@acludc.org">intake@acludc.org</a> Phone: 202-601-4269
<b>Law for Black Lives DC</b>	Arrest Support Hotline: 202-888-1743