



KNOW YOUR RIGHTS – EXPEDITED REMOVAL

On July 22, 2019 the U.S. Department of Homeland Security (“DHS”) published a notice indicating its intention to expand a fast track deportation program called “Expedited Removal”. The expansion of this program means that certain individuals who have been living in the United States for less than two years are at risk of being deported from the United States **without seeing an immigration judge**.

Starting October 2020, this rapid deportation program can now be used anywhere in the United States (so not only 100 miles from the border). This program can be used to remove people who entered the United States without documentation who have not been properly admitted or paroled into the United States.

To ensure the safety of our community members and loved ones it is important that we understand what expedited removal is and how to best protect ourselves and our loved ones.

What is Expedited Removal? Until now expedited removal was a program that was used against people who had been in the United States for less than 2 weeks and were within 100 miles of the U.S. border. Now, due to the new rule, it was expanded across the United States and applies to anyone who entered the U.S. unlawfully and has been in the country less than 2 years. People subject to Expedited Removal will not be able to have a hearing before an immigration judge and they can be detained while awaiting removal from the United States. There is no chance to apply for an immigration benefit unless the person shows a “credible fear” of returning to their country of birth or country of citizenship.

Who Does this Program Affect?

- People who crossed the U.S. border less than two years ago without being admitted or inspected at a border crossing station or airport or committed immigration fraud (lied) upon trying to enter the United States AND
 - Who do not have a case in immigration court; or
 - Who do not have a prior removal order.

Who is NOT Subject to Expedited Removal?

- Unaccompanied children under the age of 18 years of age;
- Individuals who entered the United States lawfully with valid documents (e.g. a visitor’s visa);
- Individuals who have a case currently pending in immigration court;
- Individuals who can prove that they have been in the United States for over two years; and
- Individuals who assert a fear of returning to their country of birth and/or country of citizenship.

How can I Protect Myself from Expedited Removal? Remember that everyone in the United States has a right to remain silent. If you or your loved one is detained by Immigration and Customs Enforcement (ICE) you do not have to answer any questions regarding your immigration status or country of citizenship. Keep in mind that ICE has to prove that you are not a citizen of the United States so if they do not anything indicating you are a citizen of another country, it will be difficult for them to do so.

Avoid carrying any document that was obtained fraudulently or has identifying information about your birth or country or citizenship on it. If you have this on your person this can be used by ICE to prove that you are not a citizen of the United States.

If you Have Been in the United States for More than 2 Years:

If ICE does have information about where you were born and/or country of citizenship and you have been in the United States for MORE THAN TWO YEARS, you should gather documents that can prove that you have been in the United States for more than two years. These should NOT include identity documents from your country of citizenship (i.e., passport or birth certificate). These documents SHOULD include: Bank statements, rental agreements, paycheck stubs, remittance payment receipts, standard receipts, birth records of US born children, baptismal records, marriage certificates, school records, medical records, date and time stamped pictures taken in identifiable places in the United States (i.e. in front of the Empire State Building or Golden Gate Bridge), tax documents (with valid social security number), cell phone records, immigration court hearing notices as well as United States Citizenship and Immigration Services (USCIS) receipt notices.

Keep one copy of these documents in a folder in a secure location in your house and give another copy to a trusted friend or family member. Include in the packet any contact information you may have for attorney's or community groups that your family member or loved one can contact in the event of an emergency.

Try to recall your date of entry and where you entered the United States and keep a copy of this information in your documents folder.

If you are detained by ICE and you need to demonstrate that you have been in the United States for two years, give them the contact information of your attorney or loved ones so that they can contact this person to get documents.

What do I do if I am detained by ICE and fear that I might be subject to Expedited Removal?

- If you have a fear or removal to your birth or country of citizenship let the office know that IMMEDIATELY.

What can I do NOW if I think I might be subject to expedited removal?

Consult with a trusted legal service provided to understand your rights and your options. Call Catholic Migration Services in Brooklyn at (718) 236-3000 or in Queens at (347) 472-3500 for free legal advice. For additional information, visit our website at www.catholicmigration.org and follow us on social media via Facebook, Twitter, and Instagram @CMSBQ. You can also obtain free legal advice by calling 311 and asking for "Action NYC."