

Expansion of Expedited Removal: What is it, Who Does it Affect, and What are Our Rights?



The Trump administration is planning yet another attack on immigrant communities. As of October 2020, **expedited removal** can be used anywhere in the U.S. It is important to understand what expedited removal is – and how to be prepared.

What is expedited removal and what has changed?

Expedited removal is a process by which ICE can deport people quickly without allowing them to see an immigration judge or apply for a defense against deportation.

Until now: it was used against people who had been in the U.S. less than 2 weeks AND who were within 100 miles of the U.S. border (this is often used against people near the southern U.S.-Mexico border).

Now: it will be expanded nationwide and can apply against anyone who has been here for less than 2 years.

Who is affected?

- People who crossed the border within the last 2 years without passing through a border station or airport;
- AND who are not in removal proceedings (i.e. you don't already have a case in immigration court);
- AND who do not have a prior order of deportation.

⇒ If you meet these criteria, you should consult with a trusted legal service provider to understand your options & how to protect yourself from expedited removal. If you live in New York City, you can call 311 and ask for an immigration appointment. You can also call Make the Road at 718-565-8500.

Who is not affected?

- People who entered the U.S. on a visa and overstayed.
- People who are already in removal proceedings and have a court date.
- People who can show they have been present in the U.S. for more than 2 years.
- Children who entered the U.S. as an unaccompanied minor (and spent time in a shelter).

How can I protect myself?

Anyone who is arrested by ICE has the **right to remain silent**. ICE needs to prove that you were born outside the U.S. and that you do not have permission to be here in order to deport you; they often try to get this proof by asking you questions. **You do NOT have to answer any questions from ICE, say what country you are from, or say how you entered the U.S.**

If you **HAVE** been in the U.S. for more than 2 years:*

You may want to gather documents that show **you have been here longer than 2 years**. This should not be an identification from your home country or passport. Instead, it could be documents issued here that have your name and dates on them like:

- Bills, pay stubs, receipts, lease, or bankbooks
- Church, school, employment or birth records
- License, IDNYC or other ID issued by a U.S. state, school or city
- Evidence of tax payment

These can be carried with you or left with someone you trust, like a loved one or an attorney, whom you can contact if you are detained. If detained, you should tell ICE you need to contact this person to get documents.

***If you have not been in the U.S. for two years and are not already in immigration proceedings, contact a legal service provider to be screened.**

How can I fight this?

Contact Make the Road to join our fight against this policy and to seek a just immigration system!

If you or a loved one is the target of an ICE raid, you can call MRNY at 718-565-8500 immediately for assistance.