

Rapid Response Legal Collaborative

Expansion of Expedited Removal: Who Does it Affect and What are Your 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. Call the Rapid Response Legal Collaborative at 212-946-0351 or email ExpeditedRemoval@nylag.org. If you live in New York City, you can call 311 and ask for an immigration appointment.

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.**