

EXPEDITED REMOVAL

What is expedited removal?

Expedited removal is a way for the Department of Homeland Security (DHS) to remove (deport) people from the U.S. quickly and without giving them an opportunity to appear before an immigration judge.

Who does it affect, and what exceptions exist?

You may be affected if you have been in the U.S. for less than 2 years AND:

- (1) You entered the United States without contact with immigration authorities; OR
- (2) You entered on a visa that was obtained by misrepresenting an important fact, or through fraud, or did not belong to you.

If you fall in either of these categories (which means that you can be removed quickly from the U.S.) but you are afraid to return to your country of origin, and if you are stopped by an immigration officer, tell the officer right away that you request a Credible Fear Interview.

At this interview, an asylum officer will ask you questions about your fear of return. If you pass this interview, you will have the right to go to a regular immigration court and talk to a Judge about your case. For detailed information about Credible Fear Interviews, see the Florence Immigrant & Refugee Rights Project's handout at tinyurl.com/y3zcsdn7 (English) and tinyurl.com/y4l2akzt (Spanish).

If I am stopped by DHS, do I have to answer their questions?

You have a right to remain silent! This can be hard to do but you do have the right NOT to give DHS information about yourself. To learn more about this, please look at page 2 of the Immigrant Defense Project's handout at tinyurl.com/yylv5pas (English) and tinyurl.com/yyh4f9du (Spanish).

If I choose to or am forced to respond to DHS's questions, what can I do to show that expedited removal should not apply to me?

It depends!

- If you are currently in removal (immigration court) proceedings, you should carry a copy of your hearing notice given to you by the Immigration Court.
- If you were allowed into the U.S by an immigration officer (for example, with a visa), you only need to show proof of "admission" or "parole." For most people that proof is the Form I-94 Arrival/Departure Record. If you came in April 2013 or later, you might have to download your Form I-94 from the U.S. Customs and Border Protection website, i94.cbp.dhs.gov

- If you were not allowed into the U.S. by a DHS officer, but you have been present here for more than two years:
 - Make copies of documents that show that you have lived here for more than two years. Examples are: church records, medical records, school records, or bills.
 - Remember that you will need to update documents monthly to show the most recent two years of presence in the U.S. at all times.

How should I carry my documents around with me?

You can leave your documents with a trusted friend or relative, but in addition the safest thing would be to also carry copies of your documents with you at all times.

There are different ways of carrying the copies around, and each way has pros and cons. But no matter what, leave the originals with someone you trust, in a safe place, and carry only copies!

How to carry the evidence of physical presence	Pros	Cons
Paper copies, in a bag	This would be the easiest way to show your documents to an immigration officer.	It is a burden to carry all these documents around all the time.
Saved onto a small, removable computer flash drive, also called a thumb drive	Small enough to easily fit into a pocket or purse.	The immigration officer might not be willing or able to insert the drive into their computer.
Saved on your phone	Nothing extra to carry, just your phone.	By unlocking your phone to show the immigration officer, you are revealing everything else stored on your phone, including your contacts and social media apps.
Saved online (Google Documents, Dropbox, etc.)	Accessible anywhere, through the internet.	The immigration officer might not be willing or able to access the website where your documents are saved. Also, if they do access the website, they might also see personal information you did not want them to see.

But be careful when including documents that list other people’s information, if those people do not have status in the U.S. Also, avoid including documents that include your nationality, because DHS could use the information to prove that you are a foreign national, which could make it easier for them to deport you.