

# KNOW YOUR RIGHTS: EXPEDITED REMOVAL

The Department of Homeland Security (DHS) has expanded the use of the process known as "expedited removal." This means that undocumented individuals are now at a higher risk of being quickly deported without the opportunity to see an immigration judge or defend their case.

These changes became effective on January 21, 2025.

## **What does this mean?**

When ICE or CBP arrest someone inside the U.S. (away from the border and more than 100 miles from it), that person usually has the right to appear before an immigration judge and request permission to stay in the country.

With expedited removal, the government can immediately deport a person if they believe the individual does not have proper documentation.

## **Are there any exceptions?**

Yes. The only exception is if the person explicitly states that they fear returning to their home country. In that case, they will undergo an interview to assess their fear and may have the opportunity to apply for asylum.

## **What has changed?**

Previously, expedited removal only applied to individuals who:

- Were detained within 100 miles of the border
- Had been in the U.S. for less than 14 days

Now, expedited removal is being applied nationwide and affects any undocumented person who cannot prove they have lived continuously in the U.S. for at least two years before their arrest. The DHS intends to use this on individuals who entered the U.S. through a parole program, especially those who have not applied for asylum within one year of their entry.

## **What can you do?**

### **If you have lived in the U.S. for two years or more**

Carry proof of your presence in the U.S. for at least two years, such as:

- Mail received at your home address
- Signed lease agreement
- Church or school records with your address and dates
- Tax returns

It is recommended to carry copies of these documents so you do not lose the originals.

### **If you have a pending case before the immigration court**

Carry proof that your case is pending and any evidence that you have applied for relief. This may include:

- Receipt notices
- Court-stamped filings
- A letter from your attorney

### **If you have a pending case with USCIS**

Carry proof that your case is pending, such as:

- Receipt notices
- Biometric appointment notices

### **If you have legal status in the U.S.**

Carry proof of your legal entry and status, including:

- Copies of visas
- Approval notices
- Work authorization

### **If you have not been in the U.S. for two years and fear returning to your country**

If detained, clearly and loudly state that you are afraid to return to your country.

At any point in the process, you have the right to request to speak with a lawyer. Even if you do not have an attorney, you can tell immigration officers that you want to speak to one.

If you do have an attorney, you have the right to communicate with them. Ask your lawyer for a signed Form G-28, which proves you have legal representation. Hand this form to immigration officers.

Individuals have the right to hire an attorney but do not have a statutory right to a government-appointed lawyer in removal proceedings. Those who cannot afford an attorney must seek free legal services from nonprofit organizations or legal aid groups.

**A good source for finding an immigration attorney is your state bar website or <https://www.aialawyer.org>.**

#### **Disclaimer**

This information is provided for general information purposes and does not constitute legal advice. You should not act or rely on any information without seeking advice of a competent, licensed immigration attorney. Immigration law is very complex and not all information applies in every case.