



## Expanded Expedited Removal: What It Means and What to Do

### Note

This document was created to help immigrant families, their neighbors, and their communities gather information to prepare for possible immigration enforcement efforts. **It does not constitute legal advice and is not a substitute for consultation with an experienced attorney or authorized practitioner.**

### Background

[Expedited removal](#) is a procedure that allows U.S. Customs and Border Protection (CBP) officials to rapidly deport noncitizens who are undocumented or who have committed misrepresentation or fraud. Under expedited removal processes, certain noncitizens are deported in as little as a single day without an immigration court hearing or other appearance before a judge.

On July 23, the Department of Homeland Security (DHS) [announced](#) a significant [expansion of expedited removal](#). Under the expanded policy, individuals who are undocumented, who entered the U.S. without inspection, and who cannot prove they have resided in the United States for more than two years potentially will be subject to expedited removal. The new expanded expedited removal guidelines took effect immediately, but immigration advocates have [challenged](#) the expansion in court.

Any individual with the legal right to be in the United States, including U.S. citizens, Lawful Permanent Residents (LPRs), those with valid and unexpired visas, admitted refugees, or asylum seekers are [not subject to expedited removal](#), nor are [unaccompanied minors](#). The expanded expedited removal guidelines do not apply to those who have been admitted or paroled into the United States, including visa overstayers.

### Your rights

Regardless of status, all immigrants and community members should know how to respond in light of the dramatic expansion of expedited removal. Immigrants without documentation as well as U.S. citizens, LPRs and others with the legal right to be in the United States face an increased risk of arrest and deportation without due process.

- **You have the right to keep silent. This is true at home, work, or anywhere in between.** If you are questioned by an immigration officer, you do not have to tell the officer your name, where you were born, or what your immigration status is.
- **You have the right to talk with a lawyer before you answer any questions.** You do not need to answer questions without a lawyer present, even if you are legally

present in the United States. If you are detained, you may want to give the officer your name so that your family or lawyer can locate you.

- **You do not have to open the door to your home in the absence of a judicial warrant.** You have the right to refuse to let an immigration officer enter your home, unless they present you with an official search warrant issued by a court and signed by a judge.
  - You have the right to ask any officer if they have a search warrant signed by a judge. You may refuse to open the door and request that they slide the warrant under the door for you to see. If they show you a signed search warrant with your address on it, you have to allow them to enter your home. If they do not have a search warrant issued by a court, you have the right to come out and close the door behind you. This should prevent immigration officers from questioning other people in your home. If others in your home are listed by name on a separate ICE arrest warrant, they too can come out and close the door behind them. Before you speak to an ICE officer, you can ask to contact an attorney.
- **You do not need to sign any papers without talking to a lawyer.** Do not let any immigration officer persuade you to sign any papers by threatening that you will remain in jail or be deported if you do not sign. If you sign any papers at all, you could be giving up any chance of staying in the U.S.
- **You do not have to “show your papers.”** You may simply tell the officer that you want to speak with a lawyer. Even if you have valid immigration papers, immigration officers may still ask you additional questions. However, presenting documentation to verify your citizenship, legal status, or to demonstrate two years of presence in the United States, as discussed below, could lead to a quicker release.
- **If you are detained, you have the right to contact your home country consulate.** You also have the right to contact and speak with a lawyer.
- **Never lie about your citizenship status or provide fake documents.** If you do, you can face a lifetime bar from the United States and other negative consequences.

## What to do

The Immigrant Legal Resource Center’s (ILRC) [guidance](#) suggests the following to those who are questioned by an immigration officer.

- **If you have legal status, you are not subject to expedited removal.** If you are a U.S. citizen, LPR, or legal status holder (for example, an asylum seeker, U visa applicant, T visa applicant) and encountered by an immigration officer, notify the officer of your citizenship or status and show supporting documents (*discussed below*).
  - **NOTE:** Do not lie about your citizenship status or provide fake documents.
- **If you have a credible fear of persecution in your home country, you have the right to a credible fear interview with an asylum officer and are not**

**subject to expedited removal.** If you are eligible for asylum and have a credible fear of persecution in your country of origin, notify the immigration officer of your fear of return and request an interview with an asylum officer.

- **If you are undocumented, but have been in the United States for more than two years, you are not subject to expedited removal.** If you are undocumented but have been in the country for more than two years and are encountered by an immigration officer, show documents (*discussed below*) demonstrating two years of presence. Tell the officer that you have lived in the United States for more than two years and are therefore not subject to expedited removal.
  - You are not required share additional personal information, including your immigration status.
  - If you are out of status, you may be placed in regular removal proceedings and receive a Notice to Appear in Immigration Court which begins the deportation process.
- **If you are undocumented, but legally entered the United States (entry with inspection), you are not subject to expedited removal.** If you were admitted or paroled into the United States at a checkpoint or otherwise entered on a valid visa, you are not subject to expedited removal and you should tell the immigration officer that you legally entered.
  - You are not required share additional personal information, including your immigration status.
  - If you are out of status, you may be placed in regular removal proceedings and receive a Notice to Appear in Immigration Court which begins the deportation process.
- **If you are undocumented and subject to expedited removal, your options are limited.** If you are undocumented and subject to expedited removal (in the United States less than two years, no credible fear of persecution, entered without inspection), you may wish to obtain a lawyer, if possible, and exert your right to remain silent.

## **Documents**

If you think there is a possibility of being placed into immigration detention or removal proceedings, even erroneously, it's a good idea to organize your important documents. Use a file, binder or large envelope to keep a file of all of these documents or copies in a safe and accessible location. Tell your children, family members and potential guardian where to find this file in an emergency. The "BBB Prepare Your Family" packet is a useful resource to help immigrant families, their neighbors, and their communities prepare for possible immigration enforcement efforts, including those related to expanded expedited removal.

The threat of expanded expedited removal may make it necessary for you to carry documents on your person to demonstrate citizenship, lawful status, or two years' presence. Because even U.S. citizens or LPRs may be subject to erroneous categorization or to racial profiling, carrying documentation may be necessary to avoid wrongfully being placed in expedited removal.

ILRC [suggests the following documents](#) may be used to demonstrate an immigration status or length of stay that avoids placement in expedited removal. Unless required by law to carry an original on your person, the best practice is to carry photocopies. The documents below are not an exhaustive list.

- **Undocumented persons who have been in the United States for more than two years** may wish to carry photocopies of the following documents to demonstrate their presence: Lease or rental documents, utility bills, receipts, tax returns (only if valid ITIN or Social Security number if used), birth certificates of children, school records of children, your school records, mail and other documents going back two years with name, geotagged social media posts, date-stamped photos with identifiable U.S. landmarks or locations.
- **Legal Permanent Residents** are required by law (INA Sec. 264) to carry their green card on their person at all times.  Holders of legal status  are similarly required to carry original documentation, including their Employment Authorization Documents (EAD), I-94 (entry/exit receipt), stamped passport with visa/entry stamp, and/or a receipt for asylum/ U visa/ T visa applications.
  - NOTE: To the extent you are legally required to carry original immigration documents, you should make and keep photocopies at home in the event your originals are lost, stolen or otherwise unavailable.
- Although **U.S. Citizens** are not subject to removal, the specter of erroneous classification by immigration agents – particularly in an expedited removal context with limited due process – may make it advisable to carry proof of citizenship. Photocopies of the following documents would suffice: passport/passport card, naturalization certificate, or a certificate of citizenship.

## **In the workplace**

U.S. federal immigration officers have the right to ask an employer for permission to enter a workplace. They have the right to examine an employer’s files to inspect the I-9 forms every employee must have to work.

If you encounter an immigration agent at the workplace, at your home or anywhere in between, the following rights and guidelines apply. **Everything about what to do if ICE talks to you still applies at work:**

- You have the right to keep silent. If you are questioned by an immigration officer, you do not have to tell the officer your name, where you were born, or what your immigration status is.
- You have the right to contact and talk with a lawyer before you answer any questions. You may want to give the officer your name so that your family or lawyer can locate you if you are detained. Do not sign any papers without talking to a lawyer.

- You do not have to “show your papers.” You may simply tell the officer that you want to speak with a lawyer. Even if you have valid immigration papers, immigration officers may still ask you additional questions.
- If you are detained, you have the right to contact your home country consulate.
- Never lie about your citizenship status or provide fake documents. If you do, you can face a lifetime bar from the United States.