

CRIMMIGRATION COMMUNICATION



DHS expands Expedited Removal Policy

On January 21, 2025, the Department of Homeland Security (DHS) broadened its application of the “expedited removal” process, increasing the risk of detention and rapid deportation of noncitizens. This new policy went into effect immediately and it expands the program nationwide. Expedited removal enables Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) to deport noncitizens through a fast-track process, bypassing formal removal proceedings.

Previously, expedited removal was limited to noncitizens apprehended within 100 miles of the border and within 14 days of entering the U.S. Under this new expansion the risk for noncitizens to be detained and rapidly removed without seeing an Immigration Judge dramatically increases.

This new policy expands expedited removal nationwide to any noncitizen who:

- Entered the U.S. without a visa or parole.
- Cannot demonstrate they have been continuously present in the country **for at least two years before their arrest.**

Now, more than ever, it’s essential for noncitizens to be aware of their rights and take proactive measures to protect themselves and their families. Please advise your noncitizen clients to:

- Know their rights: Remember the right to remain silent, refuse to open the door, and decline to answer questions from ICE or CBP. Know Your rights Materials in many languages may be found at: <https://www.immigrantdefenseproject.org/for-communities/>.
- Carry evidence of U.S. presence: Encourage your noncitizen client to carry evidence that they have been in the U.S. for over two years (e.g., postmarked mail, leases, school, or church records).
- Avoid carrying foreign documents: Do not carry items like foreign passports, as these can be used against you.
- Show proof of lawful status: If applicable, carry evidence of lawful status, pending asylum applications, or other ongoing immigration proceedings. If your noncitizen client entered on a visa or parole, carry proof of that entry, as it may help protect your client under the current rules.
- Express fear if necessary: If your noncitizen client is detained and fears returning to their home country, they should make this clear at every opportunity.
- Consult an attorney: Request your noncitizen client to speak to an immigration lawyer and avoid signing any documents without legal guidance. You may refer your client to the NYS Office for New Americans hotline: 1-800-566-7636. The LIRIAC will continue to provide immigration legal advice in the criminal case, but we do not represent clients directly in the immigration process.

If you lose contact with your noncitizen client in the middle of their case or if you become aware that your noncitizen client has been detained by ICE, please reach out to the LIRIAC so that we can assist you in locating your client and discuss next steps.

NASSAU 18(b)

Phone: (929) 279-3628
LIRIAC@sclas.org or
Jsaavedraarizaga@sclas.org

VISIT OUR WEBSITE:
www.longislandriac.com

SUFFOLK 18(b)

Phone: (516) 408-2440 or
(631) 533-2122
SuffolkLIRIAC@nclas.org or
mcalderra-kopf@nclas.org