

Know Your Rights

What are my rights as an immigrant in my immigration process?

- You have the right to speak with an attorney (if you choose to retain one) before answering questions or speaking to anyone about your immigration case
- You have the right to thoroughly review and understand documents before signing them
- You have the right to assert a fear of persecution or torture to your home country, even if you have a prior removal order

How can I find out more about my immigration case?

- Find your “A” or “Alien” number on any old immigration paperwork. This is a government-issued number that serves as a tracking number for your immigration history in the U.S. immigration system. It will be 7 to 9 digits.
- Use your A- number to check the following systems for case information, available in multiple languages:
 - Immigration court (“EOIR”) Hotline Number: (800) 898-7180
 - Immigration court website case look up link: <https://acis.eoir.justice.gov/en/> (English); <https://acis.eoir.justice.gov/es/> (Spanish)
 - To speak with someone at USCIS, call: 1 (800) 375-5283
- Request your immigration records
 - File a request to USCIS for your case file (“FOIA request”): <https://www.uscis.gov/records/request-records-through-the-freedom-of-information-act-or-privacy-act>
 - Request your case file from the immigration court: go to the immigration court and request your record of proceedings (you will need your A number) (Find an immigration court: <https://www.justice.gov/eoir/find-immigration-court-and-access-internet-based-hearings>)

What if I already have a removal order?

- If you already have a prior removal order, the government can and will deport you, especially if you are detained. If you are not detained, you may have ICE check in appointments or other monitoring until you are removed
- If you have a prior removal order, you may be able to reopen your case, under limited circumstances with a “Motion to Reopen”

What if I had a prior deportation order, left, and then returned?

- If you had a removal order, left the country, then returned, and have a fear of returning to the country that you would be deported to, you can request an interview with an asylum officer. As soon as possible, clearly tell an ICE officer that you have a fear of returning to your home country:
 - This interview will allow you explain your fear of return
 - You will need to show that you will be subject to violence because of your race, religion, nationality, political opinion, or membership in a particular social group
 - To show fear of torture, you will need to show that you will be subject to severe mental or physical suffering by the government in your home country, or by someone else that the government is letting harm you

What happens if I'm in expedited removal proceedings?

- If you have been in the country for less than two years, you may be in expedited removal proceedings (a faster removal process)
- If you are in expedited removal proceedings and you have a fear of violence in the country you would be deported to, say clearly to an immigration officer: "I fear being seriously harmed if I'm deported. I want to request asylum and protection under the Convention Against Torture"
- You will then be referred for an interview where you must show that you have a fear of violence because of your race, religion, nationality, political opinion, or membership in a particular social group or that you fear severe harm by the government or someone else that the government will let harm you. If the asylum officer thinks you qualify for those protections, your case will be heard by an Immigration Judge where you can present additional evidence and testimony

Types of Deportation

Removal Order

- A removal order is a determination by the U.S. government that you are not authorized to be in the United States and will be deported
- If a removal order is issued, the person it is issued against will be physically removed from the U.S. and returned to their country of origin
- Having a removal order makes you ineligible for certain immigration benefits for up to 10 years

Stipulated Removal Order

- A “stipulated removal order” is a voluntary agreement between ICE and a noncitizen that states that the noncitizen waives their right to present their case in immigration court and accepts a removal order
- ICE might pressure you to sign this order. **You are not required to sign this form, even if you are pressured to**
- ICE is not permitted to punish you if you refuse to sign the form

What is Voluntary Departure?

- Voluntary departure is a way for someone to avoid a removal order
- Someone who accepts voluntary departure needs to leave the country at their own expense within the period of time given by the government
- You must request this during your removal proceedings, which are the hearings you have in immigration court. You need to make this request directly to the judge.

To receive voluntary departure BEFORE the conclusion of your hearing, you must meet the following requirements:

1. Make the request before your final hearing
2. Withdraw all other applications for visa or immigration status
3. State that you are not authorized to be in the United States
4. Give up the opportunity to appeal your case
5. Confirm that you have no aggravated felony convictions and don't have factors that indicate a security risk
6. Show evidence that you can pay for your flight and will depart from the U.S.
7. Pay money to ICE (voluntary departure bond), if the immigration judge requires

To receive voluntary departure AFTER the conclusion of your hearing, you must meet the following requirements:

1. Prove that you lived in the United States for one year before receiving the Notice to Appear (NTA), the document that starts removal proceedings
2. Present evidence that you intend to depart and have the financial ability to depart
3. Show good character for five years prior to the voluntary departure request
4. Confirm that you have no aggravated felony convictions and are not a security risk
5. Give ICE a valid passport or other travel document
6. Pay money to ICE (voluntary departure bond), if the immigration judge requires

Potential consequences of voluntary departure:

- Re-entry with a visa or other status is not guaranteed
- If you have been in the U.S. without a visa or immigration status for a certain period, leaving the country may prevent you from receiving a visa or other immigration status in the future
- There is no guarantee that you won't be arrested while a voluntary departure request is processed
- If you do not leave within the timeframe ordered, you may be subject to a fine of and will be ineligible to apply for certain immigration statuses or other benefits for up to ten years

Potential benefits of voluntary departure

- There is no order of deportation in your immigration history if you accept voluntary departure and leave as ordered
- You may be able to apply for a visa to return to the U.S. from your home country
- Family members in the U.S. may be able to apply for a visa for you