

REINSTATEMENT OF REMOVAL

What is reinstatement of removal? The Department of Homeland Security (DHS) uses Reinstatement of Removal to remove people from the U.S. who have been deported or removed in the past, or have left the U.S. on their own under an order of deportation or removal and have reentered the U.S. without permission.

- In general, you will not be able to speak with a judge because DHS has the power to remove you based on your previous deportation or removal order, with limited exceptions.

How do I know if I am in reinstatement of removal? If you received a Form I-871 “Notice of Intent/Decision to Reinstate Prior Order.”

Can I challenge DHS’ decision to place me in reinstatement of removal? You may have the right to have a judge decide your case in limited circumstances. You may dispute DHS’ decision by writing down your argument or by talking to an Immigration Officer. **You may challenge DHS’ decision to place you in Reinstatement of Removal IF:**

- You believe you are a U.S. citizen.
- You believe that DHS has mistakenly put you into Reinstatement of Removal based on incorrect information, such as being mistaken for someone else with the same name.
- You believe you re-entered the U.S. legally.
- You last left the U.S. under an order of Voluntary Departure.
- You have a visa immediately available for you (If one of your family members has already applied for a visa for you and the visa is approved and immediately available).
- You believe you are eligible to apply for relief under NACARA or HRIFA (If you are from Nicaragua, Cuba, Guatemala, El Salvador, Haiti, or certain countries in Eastern Europe, you may be eligible to apply for relief even though you have a prior deportation order).
- **You fear you will be harmed or tortured if you return to your country or if you have suffered harm there in the past.**
 - If you tell an immigration officer you are afraid to return to your country, you will have an interview with an Asylum Officer to determine whether you have a “reasonable fear” of persecution or torture in your country.
 - If the Asylum Officer determines that you **do** have a “reasonable fear” of persecution or torture in your country, you will be placed in proceedings before an Immigration Judge.
 - If the Asylum Officer determines that you **do not** have a “reasonable fear” of persecution or torture in your country, you have the right to ask that a judge review that decision.
 - If the Judge finds that you **do not** have a “reasonable fear”, your case goes back to DHS for removal from the U.S. – there is no appeal.
 - If the Judge finds that you **do** have a “reasonable fear”, you will be allowed to have a hearing before a Judge for withholding of removal and or relief under the Convention Against Torture.

Rocky Mountain Immigrant Advocacy Network (RMIAN): (303) 866-9308

RMIAN is a non-profit organization and is not part of the government. This pamphlet provides general information and should not be considered specific legal advice for your case.

REASONABLE FEAR INTERVIEW

What is a reasonable fear interview?

- If you express a fear of returning to your country of origin, you will be referred by ICE for a reasonable fear determination interview with an Asylum Officer.

What is a REASONABLE FEAR?

- During the interview, you must credibly show that there is a “reasonable possibility” you would be persecuted in the future in your home country if you are forced to return there. You must also show that you would be persecuted because of your:
 - Race
 - Religion
 - Nationality
 - Membership in a particular social group, or
 - Political opinion; or
 - Would be subject to torture
- You may collect and present evidence to the Asylum Officer proving your fear of persecution or torture.

How long does the interview process usually take?

Once you express a fear of returning to your country of origin, you must wait to be interviewed by an Asylum Officer. **That process can take from 1 – 3 months.**

If you wish to withdraw your claim of a fear of return to your home country, you still have to be interviewed by an Asylum Officer. You can submit a written request to withdraw your claim to ICE. **It can take from 4 to 6 weeks to have your withdrawal reviewed.**

In most cases, if you are subject to reinstatement of removal, you do not have the right to a bond and will have to wait in immigration custody, in detention, during the review process.

**When you arrive at the GEO/ICE Detention center in Aurora, Colorado, RMIAN can help provide you with additional information and answer questions you may have.
You can contact RMIAN by calling our hotline at (303) 866 – 9308.**