

**NATIONAL
IMMIGRATION
PROJECT**

Lawyers for the Movement

COMMUNITY EXPLAINER

WHAT AM I SIGNING WHEN I SIGN FOR MY DEPORTATION?

OVERVIEW

With the Department of Homeland Security ramping up arrests of people they suspect are deportable, many questions have come up as ICE presents people with paperwork to **“sign for their deportation.”**¹

Generally, a person has the right to see an immigration judge before they are deported, where the immigration judge will review whether or not the person is deportable, or whether they have an option for remaining in the United States, like asylum or cancellation of removal. DHS is trying to get people to give up this right so that they can force people out more quickly, by offering money and by using threats in order to get people to agree to leave the U.S. through various means. This explainer will go over the most common documents that people sign in order to agree to leave the U.S., and what their consequences are, including use of the CBP Home app.

Importantly, no matter what DHS says, no one is required to give up their right to go to immigration court or to sign any document.

If a person has signed such an agreement, because they did not understand what they were signing or because DHS threatened them or their family with violence or a long time in detention, then they may be able to undo the agreement. How they do that will depend on what kind of agreement it was; this explainer will also go over which route to take for each.

WHAT IS A REMOVAL ORDER?

Before going through these various forms of agreeing to leave the U.S., it is important to understand the [consequences that a removal order carries](#), because the main benefit of most of the agreements is avoiding one. Having a formal order of removal means:

- ◆ A 10-year bar on returning to the U.S.
- ◆ Greater criminal penalties for re-entering the U.S. without permission, including significant time in federal prison

However, and importantly, choosing to voluntarily leave the U.S. in order to **avoid a removal order does not mean that a person will automatically have a way to come back to the U.S.** First there must be some sort of pathway – usually a family-based or work-based visa – and **most people who have lived in the U.S. undocumented will face other time bars**, even if they avoid the bar that comes from a removal order. For example, people who have lived in the U.S. without status for more than a year also face a 10-year bar on returning.²

¹ Some exceptions to this are:

1. An expedited removal order under INA § 235(b)(1) for people who are initially apprehended within 14 days and 100 miles of entering the U.S. Unless that person passes a credible fear interview, they do not have a right to have full immigration court proceedings.
2. Any immigrant who is not a citizen or an LPR who has an aggravated felony conviction can be ordered deported without immigration court proceedings under INA § 238(b).
3. Someone who received an order of deportation and then re-enters the U.S. again without inspection can have their removal order reinstated under INA § 241(a)(5), and unless they pass a reasonable fear interview they can be deported without immigration court proceedings.

² This bar can be waived, or forgiven, in certain circumstances, but for people who lived in the U.S. without status for more than a year, left, and then returned without permission, they must wait at least 10 years outside of the U.S. before they can return, even if they do receive a waiver.

CBP HOME



DHS is encouraging noncitizens **who do not have any kind of criminal record** to use the CBP Home app in order to leave the U.S.

DHS CLAIMS THAT IT IS OFFERING:

- ◆ \$2,600 payment
- ◆ Assistance with arranging and paying for travel for some people
- ◆ “De-prioritization,” meaning a lower risk of arrest and detention
- ◆ Greater opportunity to return to the United States in the future.



DHS **does not guarantee** that any person using the app will not be arrested or detained. However, based on the best information available at the time of writing this explainer, using the app does seem to reduce a person’s risk of arrest and detention while in transit out of the U.S. The app requires registering with the federal government and location sharing, so that DHS can confirm that a person has left the U.S. Sharing that kind of data always carries a risk.



Many people report never receiving the money or travel assistance that they were promised, though some have.

IF YOU ARE IN REMOVAL PROCEEDINGS

Using CBP Home could result in an “in absentia” order of removal, meaning that the immigration court could order you deported because you don’t come to your hearing. While CBP Home claims that DHS will arrange with the immigration court to close your case, if you decide to leave, **it is best to contact the court yourself**, whether or not you use the app. You can alert the court that you have left by sending them a letter stating your decision to leave, your request to end your removal proceedings without a removal order, and which includes:

- ◆ Your travel itinerary, including receipts for any tickets purchased
- ◆ Contact information for you in your country of origin
- ◆ Confirmation that you are using CBP Home, if you choose to use it

IF YOU ARE NOT IN REMOVAL PROCEEDINGS

Using CBP Home or leaving otherwise – so long as you are not arrested and placed in removal proceedings – should not result in an order of removal. However, you may face other time bars to returning to the U.S. depending on the length of your presence in the U.S. without status, or other reasons you are ineligible to return.

If you want to leave, you do not have to use the CBP Home app.

VOLUNTARY DEPARTURE



DHS is also offering people “incentivized voluntary departure,” likewise promising people up to \$2600 if they agree to “voluntary departure,” which means agreeing to leave the U.S. within a specified period of time (no more than 120 days), and agreeing to pay for their own travel if the government requires it. **The main benefit of voluntary departure is avoiding a removal order.** Agreeing to voluntary departure means waiving your right to go before an immigration judge to present your case (also known as “removal proceedings”).

THE THREE KINDS OF VOLUNTARY DEPARTURE (VD)

01 PRE-PROCEEDING VD

DHS can grant VD by itself if it does so **before a Notice to Appear** (the document that starts a removal case in immigration court) has been filed, **using form I-210**. DHS can grant a maximum of 120 days before the person must leave. Any person qualifies for pre-proceeding VD **unless**:

- ◆ They have an aggravated felony or certain terrorist activities;
- ◆ They are considered an “arriving” person, which means that when they came to the U.S. they presented themselves at a port of entry and were not admitted on a valid visa at that time, even if it has been many years since they entered (this often applies to asylum seekers, even if they came in on a parole program like CHNV or CBP One); or
- ◆ The person had been granted VD previously, had departed on that VD, and also re-entered after the VD without inspection (like crossing the river or desert or going around the border fence/wall).

02 PRE-HEARING OR PRE-CONCLUSION VD

The immigration judge – not DHS by itself – must grant VD **if the Notice to Appear has already been filed**.

- ◆ The eligibility requirements are the same as above, but in addition the immigration judge might require a \$500 bond.
- ◆ **DHS is using “joint motions for voluntary departure”** or a document that says that they and you agree that you should get voluntary departure that they then file with the immigration court. The immigration judge could order VD without a hearing!

03 POST-CONCLUSION VD

If you have already had your final hearing in your removal proceedings, only the immigration judge can grant VD. There are several eligibility requirements in addition to those listed above, which you can [read more about here](#), but which we will not detail because it is unlikely that DHS will make an offer of voluntary departure if you have already gone through your entire removal proceedings.



See the Appendix for examples of form I-210 and joint motions for voluntary departure.



If a person is **not detained**, voluntary departure can also give them an opportunity to take care of some business before leaving and to travel normally. If a person is **already in detention**, they will almost certainly stay detained and leave under the supervision of DHS. People in detention sometimes have to purchase an expensive “open ticket” (where a flight is bought but not for a specific day). As a

practical matter, for some people who get pre-proceeding VD while detained, ICE might just put the person on a flight to their country if there are regular deportation flights that go there. This will probably vary based on which detention center someone is located, or even changes in the availability of flights.

REALITY CHECK ON TIMING

The main reason people willingly accept VD is to get out of detention, but VD is not always a faster way out – even though the law requires a person to leave the U.S. within a certain amount of time, if they are detained, ICE might not arrange for their removal that quickly.

Like CBP Home, VD **does not provide an automatic pathway to return to the U.S.**, but it **avoids the 10-year bar on return that comes from a removal order**.

If a person fails to leave the U.S. during the voluntary departure period, **the voluntary departure becomes a removal order** and they may also face:

- ◆ A 10-year bar on eligibility for certain kinds of immigration applications
- ◆ A fee of \$1000 to \$5,000
- ◆ Civil fines of up to \$3,000

Many people who have voluntary departure remain detained for many months, and certainly more time than the maximum departure period of 120 days. **You should NOT face these penalties or receive a removal order if you did not leave within the time period because you physically could not do so, but you may need to advocate with ICE to ensure that they respect your voluntary departure.** The case that says that you should not face consequences for failure to depart for reasons outside of your control is *Matter of Zmijewska*, 24 I&N Dec. 87, 93-95 (BIA 2007).

WITHDRAWAL OF AN APPLICATION FOR ADMISSION

As noted above, people who are considered “arriving” are not eligible for voluntary departure under the regulations. Currently, ICE is changing the way they are classifying people who entered without permission long ago. We do not know how this impacts eligibility to withdraw an application for admission.


Withdrawal of an application for admission is another means of agreeing to leave the U.S. without getting a removal order for people who are “arriving,” which was historically mostly used at the border by CBP or in court for people who presented themselves at a port of entry without a visa, like many people seeking asylum. CBP has the power to deny entry to people even if they have a visa or other permission to come to the U.S.; that denial could take the form of an expedited order of removal in some circumstances. Rather than give them an expedited removal order, CBP can give them the opportunity to withdraw their application for admission, or agree that they will not enter the U.S. and **depart immediately. CBP uses form I-275 to document that someone withdrew their application for admission.**

“ARRIVING” IS A LEGAL DEFINITION NOT A LITERAL ONE

Because whether or not a person is “arriving” is a legal definition and not a literal one, many people who fall into this category have lived in the U.S. for a long time and are in regular removal proceedings before an immigration judge – who could also grant permission to withdraw an application for admission. DHS could offer someone a stipulation to withdraw an application for admission just like they do for VD, though we have not heard of this happening as frequently.

Like VD, withdrawal of an application for admission allows a person to avoid a removal order, provided that they can leave “immediately.” Again, avoiding a removal order does not guarantee a lawful pathway to return to the U.S. or clear other bars to entry.

VOLUNTARY RETURN



CBP also uses an informal process called “voluntary return” to get people to waive their rights to removal proceedings (meaning going in front of an immigration judge to argue why they should be able to stay in the U.S.) and to return to their country of origin immediately. Because it was intended to be used very quickly, historically, CBP generally only used it for people from Mexico and Canada, who could immediately cross the land border back to their respective countries. However, because voluntary return is an informal process, there is no legal requirement that prevents ICE from using voluntary return, or that prevents ICE or CBP from offering it to people from countries other than Canada and Mexico.


CBP uses **form I-826** to get people to agree to voluntary return. Voluntary return **does not result in a removal order**.

 [See the Appendix for an example of form I-826.](#)

STIPULATION TO REMOVAL

Unlike the other agreements discussed above, a stipulation to removal is an agreement between you and DHS that **you will receive a removal order and be deported**. This means that you **will face the 10-year bar on return** and harsh criminal penalties if you return without permission. An immigration judge would issue the order of removal, possibly without a hearing.

The main reason someone would agree to this is to get out of detention faster. However, as with VD, there is no guarantee that ICE will move any faster even if you have agreed to be deported.

 **It does not** seem like people who sign a stipulation to removal will be eligible to receive any money from the government.

 [See the Appendix for an example of a stipulation to removal.](#)

ICE LIES, COERCION & UNDOING AN AGREEMENT



We have heard many reports of ICE lying to people who are in detention about what they are signing, only showing them a portion of a document or just the signature line, or refusing to translate a document for them. We have also heard numerous reports of ICE threatening a person with violence, lengthy detention, or consequences for their family members if they refuse to sign something agreeing to leave the U.S.

Because all of these agreements require waiving important rights, they must all be made “knowingly and voluntarily.” That means that you knew what you were agreeing to and that you did not feel forced to agree to it.

HOW TO SHOW SIGNING WAS NOT KNOWING AND VOLUNTARY:

- ◆ Explain in detail exactly what happened that led to you signing
- ◆ Explain what you believed you were signing and why
- ◆ Explain what you believed would happen if you did not sign

ROUTE DEPENDS ON THE AGENCY

How you undo each type of agreement depends on which agency issued it. For example, if ICE got you to sign for pre-proceeding VD (form I-210), in order to undo it, you would need to advocate with ICE that they rescind it. Likewise, if CBP got you to sign for voluntary return, you would need to ask them to rescind it. Unfortunately, it is not always clear which agency got a person to sign, and if it was CBP and near the border, there is a greater risk that the person will get expelled from the U.S. before the agreement can be undone.



If you are in immigration court: if less than 30 days have passed since the IJ issued an order for voluntary departure or removal based on your stipulation, **you should appeal to the Board of Immigration Appeals** and make it very clear in your Notice of Appeal that you did not agree knowingly and voluntarily, as described above. If more than 30 days but less than 90 days have passed, you may need to file a motion to reopen with the immigration court.

NOTICE TO APPEAR - Not an agreement to leave!



There are other documents that ICE might ask you to sign that are **not an agreement to leave** the U.S., but an ICE officer might tell you that it is “about your deportation,” or “for your deportation case.”

You are never required to sign a document, especially without understanding what it is. If you can, ask someone to help you identify what it is BEFORE signing, ideally a lawyer.

WHAT A NOTICE TO APPEAR ACTUALLY IS:

A Notice to Appear (NTA) is the document that starts removal proceedings in immigration court, and it is standard for someone who is given an NTA to be asked to sign it. We have heard reports of ICE officers telling people that this document is “for their deportation,” or something similar, which causes great confusion.



See the Appendix for an example of a Notice to Appear.

HOW TO CHECK IF AN NTA HAS BEEN FILED

Loved ones outside of detention can always check for whether a Notice to Appear has been filed with the immigration court by entering their loved one’s A-number and country of origin into the [Automated Case Information System](#), or by calling the EOIR case information hotline, 1-800-898-7180. If it has, the website (or the hotline) will show the case as “pending” and show information about any upcoming hearings.

WHAT AN NTA CONTAINS:

The NTA gives the facts that the lawyers for ICE think they can prove in immigration court. This will include things like:

- ◆ You are not a citizen of the United States;
- ◆ You are a citizen and national of X country;
- ◆ You entered on a visa and overstayed your visa.

It will then have a list of the charges; these are not criminal charges - they are the civil laws that make someone “removable.” These can be reasons related to a criminal charge or conviction, but can also be related to someone overstaying their visa or being in the United States without authorization.

The NTA should also contain the date, time, and location of the upcoming hearing. If you think the information on the NTA is wrong and you think you should be able to stay in the country, it is something you can tell the immigration judge once you are in court.

AGREEMENTS AT A GLANCE



PRE-PROCEEDING VD

01

- ◆ Before a Notice to Appear has been filed
- ◆ Form I-210
- ◆ ICE can grant on their own
- ◆ No 10-year bar to re-entering the US, but can have other bars (unlawful presence, criminal convictions, etc.)
- ◆ If no departure within time specified (no more than 120 days), converts to removal order, civil fees and fines

STIPULATION FOR VD

02

- ◆ After a Notice to Appear has been filed
- ◆ A joint motion filed in court by DHS
- ◆ An immigration judge has to grant (can happen without a hearing)
- ◆ No 10-year bar to re-entering the US, but can have other bars (unlawful presence, criminal convictions, etc.)
- ◆ If no departure within time specified (no more than 120 days), converts to removal order, civil fees and fines

VOLUNTARY RETURN

03

- ◆ Before a Notice to Appear has been filed
- ◆ Form I-826
- ◆ Waive right to removal proceedings
- ◆ Must depart "immediately"
- ◆ No 10-year bar to re-entering the US, but can have other bars (unlawful presence, criminal convictions, etc.)

STIPULATION TO REMOVAL

04

- ◆ After a Notice to Appear has been filed
- ◆ A notice of stipulation filed in court by DHS
- ◆ An immigration judge has to order removal (can happen without a hearing)
- ◆ 10-year bar to re-entering the US, any other bars from things like unlawful presence, plus possible criminal charges if re-enter without permission later
- ◆ No time limit for deportation

WITHDRAWING APPLICATION FOR ADMISSION

05

- ◆ For people who are deemed "arriving"
- ◆ Form I-275
- ◆ Must be able to depart "immediately"
- ◆ Historically used most by CBP at border, but can be used by ICE or granted by an immigration judge

CBP HOME OR LEAVING U.S.

06

- ◆ Any time
- ◆ DHS needs to approve for CBP Home, possible lower risk of arrest & detention, possible to receive money
- ◆ If in immigration court proceedings, could get a 10-year bar from an in absentia removal order. Whether or not in immigration court, does not remove bars to re-entering from unlawful presence, etc.
- ◆ Not leaving within the specified time could lead to detention

APPENDIX



FORM I-210 PRE-HEARING VOLUNTARY DEPARTURE

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

VOLUNTARY DEPARTURE AND VERIFICATION OF DEPARTURE

To: (Alien's Last Name, First Name, and Address) [REDACTED] 3026 GA-252 E FOLKSTON, GEORGIA, 31537	Alien's Phone Number [REDACTED]	A Number [REDACTED] FIN [REDACTED]
--	------------------------------------	--

- You have violated the terms of your admission as a nonimmigrant. Consequently, the permission previously granted you to remain in the United States is rescinded. You are required to depart from the United States at your own expense on or before _____.
- On September 4, 2025 you were granted voluntary departure by the IJ BIA DHS. You are required to depart from the United States on or before November 4, 2025 at your expense. at government expense. under safeguard.
- Your request for an extension of time to depart from the United States has been _____ . You are required to depart on or before _____ .
(Granted/Denied)
- You state that you will be departing the United States on _____ through _____
(Port of Departure)
on _____
(Give Airlines, Flight Number and Time or Other Manner of Departure)

NOTICE: The Immigration Judge's Alternate Order of Removal will take effect if the alien does not depart within the time specified. Failure to depart on or before the specified date may result in the withdrawal of voluntary departure and action being taken to effect your removal. A warrant for your arrest will be issued if this office has not received verification of your departure by the specified date. Failure to depart on or before the specified date may also subject you to a possible civil penalty of not less than \$1,000 and not more than \$5,000, and render you ineligible for a period of 10 years for any further authorization for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Immigration and Nationality Act.

Additionally, if an Immigration Bond has been posted on the alien, the DHS will initiate the appropriate action in accordance with the terms of the executed bond and any attached rider or riders specified.

To any U.S. official: This document can be completed and transmitted to DHS/ICE Headquarters Office of Enforcement and Removal via VD-Bond-Verifications@ice.dhs.gov.

(Signature of Alien - Acknowledgment of Conditions and Receipt of Form) (Date)

(Signature of Authorized DHS Official) (Date)
CAROLINE 7474 MOORE - DO *cmh* Folkston ICE Processing Center
(Name and Title of DHS Official Serving Form) (Office)



If Available



Verification of Departure (Completion by an official of the Department of Homeland Security or the U.S. Department of State)			
Signature of Official Verifying Identity		Date	Phone #:
Printed Name/Title of Official Verifying Identity		Office	
U.S. Departure Place		Date	
Method of Departure	<input type="checkbox"/> Air <input type="checkbox"/> Train <input type="checkbox"/> Boat <input type="checkbox"/> Other:		
Comments			

TITLE PAGE FOR JOINT MOTION FOR VOLUNTARY DEPARTURE

In the Matter of:

In Removal Proceedings

File No. A

JOINT MOTION FOR VOLUNTARY DEPARTURE

SIGNATURE PAGE FOR JOINT MOTION FOR VOLUNTARY DEPARTURE

Respectfully submitted on DATE,

NAME
Deputy Chief Counsel
|

NAME
Respondent's Counsel

FORM I-826 VOLUNTARY RETURN

Department of Homeland Security
Bureau of Customs and Border Protection

Notice of Rights and Request for Disposition

File No: _____

Name: _____

NOTICE OF RIGHTS

You have been arrested because immigration officers believe that you are illegally in the United States. You have the right to a hearing before the Immigration Court to determine whether you may remain in the United States. If you request a hearing, you may be detained in custody or you may be eligible to be released on bond, until your hearing date. In the alternative, you may request to return to your country as soon as possible, without a hearing.

You have the right to contact an attorney or other legal representative to represent you at your hearing, or to answer any questions regarding your legal rights in the United States. Upon your request, the officer who gave you this notice will provide you with a list of legal organizations that may represent you for free or for a small fee. You have the right to communicate with the consular or diplomatic officers from your country. You may use a telephone to call a lawyer, other legal representative, or consular officer at any time prior to your departure from the United States.

REQUEST FOR DISPOSITION

- _____
Initials
- I request a hearing before the Immigration Court to determine whether or not I may remain in the United States
- _____
Initials
- I believe I face harm if I return to my country. My case will be referred to the Immigration Court for a hearing.
- _____
Initials
- I admit that I am in the United States illegally, and I believe I do not face harm if I return to my country. I give up my right to a hearing before the Immigration Court. I wish to return to my country as soon as arrangements can be made to effect my departure. I understand that I may be held in detention until my departure.

Signature of Subject

Date

CERTIFICATION OF SERVICE

- Notice read by subject
- Notice read to subject by _____, in the _____ language.

Name of Service Officer (Print)

Name of Interpreter (Print)

Signature of Officer

Date and Time of Service

Form I-826 (4-1-97)N

STIPULATION TO REMOVAL

Stipulation
File No. A

STIPULATION

I, _____, make the following statements and admissions:

1. I am at least 18 years of age.
2. I have received a copy of the Notice to Appear dated _____, which contains my full, true, and correct name. The allegations and charge(s) on the Notice to Appear have been read to me in English, which is a language that I fully understand.
3. I understand that I have the right to a hearing before an Immigration Judge. I also understand that if I have a hearing, the Immigration Judge will decide if I am subject to removal from the United States. If I am subject to removal, I understand that the Immigration Judge will decide if I can apply for relief from removal.
4. I understand that I have the right to be represented in removal proceedings by an attorney or authorized representative. I understand that I have the right to choose my own attorney or representative. I also understand that the government will not pay for my attorney or representative. I have received a list of free legal services providers published by the Executive Office for Immigration Review.

NOTICE TO APPEAR

Your A number

Notice to Appear

U.S. Department of Homeland Security

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS #: [REDACTED] File No: [REDACTED]
DOB: [REDACTED] Event No: [REDACTED]

In the Matter of:

Respondent: [REDACTED] currently residing at:

[REDACTED] (Number, street, city and ZIP code) [REDACTED] (Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS ;
3. You arrived in the United States at or near [REDACTED], on or about [REDACTED], [REDACTED];
4. You were not then admitted or paroled after inspection by an Immigration Officer.

The immigration court where your hearing will be scheduled

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:
212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
5701 Executive Center Drive Suite 400 Charlotte NC US 28212

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

NICHOLAS E. MUNOZ ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: April 18, 2018

McAllen, Texas

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07) N