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Hawaii Attorney General Joins Coalition in Fight Against Trump Administration Rule That Increases Risk of Erroneous Deportation

HONOLULU – Hawaii Attorney General Clare E. Connors announced joining a coalition of 22 attorneys general in an amicus brief opposing the Trump Administration’s legally flawed attempts to immediately expand the use of expedited removal. Expedited removal is a fast-tracked process that generally does not allow for access to legal representation, witnesses, or a meaningful opportunity to present evidence and defenses. Individuals are exempt from expedited removal if they have a credible or reasonable fear of persecution or torture in their home country. In September 2019, a federal district court issued a preliminary injunction preventing the rule from going into effect, which the Administration then appealed. In the amicus brief, the coalition urges the U.S. Court of Appeals for the District of Columbia Circuit to uphold the injunction.

“This effort to expand the expedited removal process must go through the correct legal process,” said Attorney General Connors. “If implemented as proposed, the risk of erroneous deportation for individuals would increase, which in turn creates instability for our families and communities.”

The states in the coalition are home to hundreds of thousands of immigrants who have come to this country because they fear persecution, torture, or violence in their countries of origin or seek a better life for their families. These individuals face potentially severe consequences if they are subjected to expedited removal. In 2017, 35 percent of all removals from the United States were conducted through expedited removal. Before the Trump Administration’s recent expansion of the process, expedited removal applied to individuals apprehended within 14 days of entry into the United States and within 100 miles of the border. In July 2019, the Trump Administration announced it was immediately expanding expedited removal to apply anywhere in the United States to individuals who cannot establish that they are lawfully in the country, have continuously resided within the country for two years, or have a credible fear of violence or persecution if returned to their home countries. Citing an earlier amicus brief

[led by California](#), a federal district court issued a preliminary injunction to prevent the expansion of expedited removal from taking effect while litigation is ongoing.

In the amicus brief announced today, the coalition argues that the district court correctly concluded that the Trump Administration likely violated the Administrative Procedure Act by significantly expanding an already flawed process without adequately considering the consequences. Advocates report that the expedited removal process is rife with problems and has been misused to deport U.S. citizens, legitimate asylum-seekers, longtime residents with family who are U.S. citizens, children, individuals with valid work and tourist visas, and more. In the brief, the attorneys general also note that the policy would inflict serious harm on the state coalition's communities. For instance, mixed-status households with both lawful and undocumented residents may be torn apart with little or no time to prepare or seek legal representation. The prospect of sudden and unexpected separation can cause children to experience serious mental health problems, including depression and anxiety.

In filing the amicus brief, Attorney General Connors joins the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia.

A copy of the amicus brief is available [here](#).

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