

Legal Action Center Files Suit Against DHS for Failure to Disclose Records on "Voluntary" Returns

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Washington D.C. - Yesterday, the Legal Action Center (LAC) at the American Immigration Council, in collaboration with Hughes Socol Piers Resnick & Dym, filed suit against Customs and Border Protection (CBP) and the Department of Homeland Security (DHS) for unlawfully withholding records concerning voluntary returns of noncitizens from the United States to their countries of origin. Between January 2009 and April 2011, CBP managed 662,485 voluntary returns of Mexican nationals.

Voluntary return, also known as "administrative voluntary departure," is a procedure whereby CBP officers permit noncitizens to voluntarily depart the United States at their own expense rather than undergo formal removal proceedings. Noncitizens may be granted voluntary return to their countries of origin after conceding unlawful presence in the United States and knowingly and voluntarily waiving the right to contest removal.

Based on reports from immigration advocates, CBP officers do not always provide noncitizens with information regarding the consequences of accepting voluntary return and in some cases even compel them to "agree" to "voluntarily" depart. Consequently, individuals who accept voluntary departure may be forced to relinquish claims for legal status in the U.S. or become barred from lawfully reentering the United States for up to ten years.

Seeking greater transparency regarding these practices, the LAC filed a detailed Freedom of Information Act (FOIA) request in June 2011. CBP produced four pages of records with the promise of more to come. After waiting almost a year for additional documents, the LAC filed suit under the FOIA, which requires federal agencies to produce responsive, non-exempt documents upon request.

"CBP's voluntary return practices compromise the due process rights of noncitizens who are forced to relinquish valid claims for legal status," according to Melissa Crow, Director of the Legal Action Center. "We hope this lawsuit will generate greater public awareness about CBP's use of coercive tactics to enforce immigration law."

To view the complaint in its entirety, see:

- [LAC FOIA Complaint on "Voluntary" Returns](#) [1] (June 7, 2012)

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[1] http://www.legalactioncenter.org/sites/default/files/docs/lac/Complaint_CBP_6-7-12.pdf

[2] <http://www.immigrationpolicy.org/>

