

WHAT IS IT?

Expedited removal is a form of immediate deportation for noncitizens. Until now, expedited removal has primarily been applied to individuals who arrive at a port of entry and are inadmissible, or individuals apprehended by CBP or ICE 1) within fourteen days of entry and 2) within 100 miles of a U.S. land or water border. The Department of Homeland Security has announced an expansion of expedited removal to implement President Trump's Border Security Executive Order so that expedited removal may now also be applied to any noncitizen who entered without inspection and cannot prove he/she has been physically present in the United States for at least 2 years without interruption. Individuals subject to a prior deportation or removal order are likewise exposed to removal without a hearing.

WHY?

Expedited removal is fast because the individual is left without a right to a hearing before an immigration judge or an appeal through the Board of Immigration Appeals. The order and its implementation are carried out entirely by CBP and/or ICE officers without the involvement of lawyers or judges. If you are deported via expedited removal, you are barred from entering the U.S. for five years.

WHAT CAN I DO?

There are very few legal options or recourses available for people who receive an expedited removal order. Depending on the needs and facts of the individual facing expedited removal, relief options are limited to the following:

- **Withdraw the application for admission:** This occurs at the port of entry and only if the noncitizen requests withdrawal, which CBP is not obligated to grant.
- **Challenge the facts:** If the individual is actually a green card holder or a citizen, or there has been some other mistake of fact (e.g., ICE has the wrong person, the person has been physically present in the U.S. for more than two years without interruption), the individual may raise a legal challenge to the removal order.
- **Claim fear:** If the individual, whether applying for admission at a point of entry or apprehended within the interior of the country at any point in time, fears returning to his/her home country, he/she should tell the CBP and/or ICE officer that s/he is afraid to return. This temporarily pauses the expedited removal order. If the individual cannot demonstrate "credible fear," the expedited removal order becomes active again. If, however, the individual demonstrates credible fear, s/he is permitted to pursue his/her full asylum claim in front of an immigration judge, but depending on the facts, may not be entitled to release from detention while awaiting a hearing. It is important that an individual express all the reasons why he/she is afraid of returning to his/her home country, such as gang violence, fear of persecution, loss of religious freedom, etc.
- **Apply for a waiver:** After removal under an expedited removal order, an individual may qualify for a waiver of the five year ban on admission. These situations should be discussed with an immigration attorney.

SHOULD I CARRY DOCUMENTATION WITH ME?

- **If you are a green card holder, naturalized U.S. citizen, or other individual with legal status:** Carrying your proof of status may prevent you from erroneously receiving an expedited removal order.
- **If you are an undocumented immigrant:** It can be risky to carry a travel document that reveals no admission stamp or visa overstay because this may inadvertently reveal immigration violations. **You should discuss your particular facts with an immigration attorney. You should also avoid travel domestically to areas considered a 'border' area or where law enforcement may be encountered.**