

Know Your Rights: Expedited Removal

This fact sheet provides only general information. This fact sheet **does not provide legal advice** and is not a substitute for legal help. Each person's situation is different. Please consult an attorney for legal advice for your situation.

What is Expedited Removal?

Expedited removal is a process that allows Immigration Customs Enforcement (ICE) to deport people from the United States quickly without allowing them to speak to an attorney or go before an immigration judge.

Who may be subjected to the expedited removal process?

- A person at a U.S. port of entry if they do not have valid entry documents or they enter the country through fraud or misrepresentation.
- Noncitizens living in the U.S. who entered the country without inspection (i.e., were not admitted or paroled at a port of entry) and who cannot show they have been in the country for at least two years.

How will someone know if they are in the expedited removal process?

- Any encounter with an immigration officer may result in an attempt to apply expedited removal and the officer might ask questions to see if the person meets the criteria.
- Officers may not say the person is in expedited removal procedures. However, there may be indications that officers are applying expedited removal, such as if the officers ask if the individual has been in the country for at least two years.
- If a person receives Form I-860, entitled "Notice and Order for Expedited Removal," they are already in the process for expedited removal, where opposing removal may be more difficult.

What if the individual is afraid to return to their home country?

- The expedited removal statute has some protections for people who indicate fear of persecution or torture or an intent to apply for asylum.
- If an individual expresses that they want to apply for asylum or are afraid of returning home, an immigration officer must conduct a Credible Fear Interview.
- If the asylum officer finds the person has demonstrated credible fear, the expedited removal order is revoked. However, if the asylum officer finds that the person has not shown credible fear, the expedited removal order remains in place.



Who cannot be removed via expedited removal?

- Any noncitizen who entered the U.S. with a visa or entry documentation
- Anyone who has lived in the U.S. for two years or more before an enforcement encounter
- Unaccompanied children
- Cuban citizens who arrived by air
- U.S. citizens
- Lawful permanent residents
- Asylees and refugees
- Noncitizens who currently have status, such as individuals with Temporary Protected Status (TPS) or nonimmigrant visas, including U visas and T visas
- Noncitizens with pending applications for asylum or adjustment of status to lawful permanent resident

General Reminders:

- ✓ Keep copies of important documents in a safe place at home where family members can access them if needed.
- ✓ Collect documents that show two years' residence in the U.S., such as school records, medical appointments, leases and utility bills.
- ✓ Collect documents to show an entry with inspection to the U.S., such as I-94, parole document, Border Crossing Card, or passport with visa and/or entry stamp.
- ✓ Collect documents to show permission to be in the U.S. or application in process, such as an Employment Authorization Document (EAD), USCIS receipts, Notice to Appear or Notice of Hearing, and/or Credible Fear Determination/Worksheet (Form I-870).



State of New Jersey

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