

Expedited Removal

What is Expedited Removal?

- The Department of Homeland Security, or DHS, which is part of the U.S. Federal government, also known as “Immigration,” uses Expedited Removal to quickly remove people from the U.S. who try to enter the country by fraud or without the proper documents.
 - Immigration officers interview people at border checkpoints, international airports, and shipping ports, or people who are stopped in the U.S. close to the U.S. border who cannot show that they have been in the U.S. for more than 14 days, to decide if they are trying to enter the country by fraud or without the proper documents.
- **In general, you will not be able to speak with a judge.** If an immigration officer believes you are trying to enter the country by fraud or without the proper documents, DHS can refuse your entry and order you removed from the U.S. The immigration officer’s decision is almost always final, unless you express a fear of returning to your country.

How Do You Know if You Are in Expedited Removal?

- **If you received a “Form I-867A/B, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act” or a “Form I-860, Notice and Order of Expedited Removal”** and DHS says that you were arrested while trying to enter the U.S. at a border checkpoint, international airport, at sea, or stopped close to the U.S. border and cannot prove that you have been in the U.S. for more than 14 days, then you are in Expedited Removal.
 - If you received a document called a “Form I-862, Notice to Appear,” then you are in removal proceedings. You are not in Expedited Removal.
 - If DHS says that you entered the U.S. illegally after having been deported or removed and you received a “Form I-871, Notice of Intent/Decision to Reinstatement of Removal,” then you are in Reinstatement of Removal. You are not in Expedited Removal.

When Can You Challenge DHS’ Decision to Place You in Expedited Removal?

1. **If you expressed a fear of returning to your country** or asked to apply for asylum or protection against torture when you entered the U.S.
 - You will be given “Form M-444, Information About Credible Fear Interview,” and an interview with an asylum officer to determine whether you have a “credible fear” (or a believable fear) of returning to your country.
 - **If the asylum officer decides that you do have a “credible fear”** of returning to your country, then you will have the opportunity to apply for asylum, withholding of removal, or protection under the Convention Against Torture in front of a judge.
 - **But, if the asylum officer decides that you do not have a “credible fear”** of returning to your country, you have the right to ask that a judge review the asylum officer’s decision. You will be given a “Form I-863, Notice of Referral to Immigration Judge.”
 - If the judge decides that you do not have a “credible fear,” you will be ordered removed. You cannot appeal the judge’s decision in this situation.
 - But, if the judge decides that you do have a “credible fear,” you will be issued a “Form I-862, Notice to Appear” and allowed to have a full asylum and withholding of removal hearing before a judge.

This information sheet was prepared by the EOIR Legal Orientation Program

When Can You Challenge DHS' Decision to Place You in Expedited Removal? (continued)

2. **If you already have legal status in the U.S.**, such as U.S. citizenship, legal permanent residence (“green card”) or refugee or asylee status.
 - The immigration officer should try to find proof of your claim in their records. If no proof is available:
 - You will be able to make a statement under oath.
 - The officer will give you an order of expedited removal.
 - Your case will be reviewed by a judge.

What Should You Do Next?

- If any of the above applies to you, you should:
 1. **Tell an immigration or deportation officer immediately.** Give as much detailed information and proof about your case as possible.
 2. **Speak with an immigration lawyer** or legal services organization about getting help.
 3. **Do not delay** because Expedited Removal proceedings take place very quickly.

What are the Consequences of Expedited Removal?

- **You are barred from returning to the U.S. for 5 years or longer** after being removed (deported) from the U.S. through Expedited Removal. Exceptions may be possible in some cases. (Speak with a lawyer if you are not sure.)