

# EXPEDITED REMOVAL (2023)

## WHAT IS EXPEDITED REMOVAL?

Expedited removal is a process that allows immigration officials to quickly deport certain people from the U.S. without giving them the chance to see a judge or a lawyer before being deported. Migrants who are subject to expedited removal must remain detained, and because the process moves so fast, they often cannot access legal counsel before they are expelled. Anyone removed under expedited removal is banned from the U.S. for 5 to 20 years, or even forever, depending on the circumstances.

Asylum seekers are not supposed to be removed under expedited removal, but Custom and Border Protection (CBP) often does not process them correctly. If a migrant in detention is afraid to return to their home country, they are supposed to have a Credible Fear Interview (CFI) where immigration officials decide whether the migrant's fear is real enough to possibly qualify for asylum.

## WHAT ARE THE PROPOSED CHANGES TO EXPEDITED REMOVAL?

In January 2023, the Biden Administration announced plans to change its use of expedited removal.

### CFIs in CBP Detention

- In the past, CFIs have taken place after the migrant was moved from CBP detention to ICE custody.
- The Biden Administration is planning to now do these interviews while migrants are still in CBP detention.

### Rapid CFIs

- The Administration intends to give CFIs to migrants within days of their detainment.
- The faster timeline gives migrants even less time to understand what's happening and prepare for their CFI.

## WHAT DO THESE CHANGES MEAN?

These proposed changes are a lot like two Trump Administration policies known as PACR/HARP. The Biden Administration's **proposed changes will likely have the same effects** on migrants as PACR/HARP.

## WHAT WERE THE EFFECTS OF PACR/HARP?

- CBP detention is known for having very bad conditions. It is not meant to hold anyone for more than several hours. Under PACR/HARP, **migrants were detained in an awful place and expected to prepare for a very important CFI.**
- No one, not even lawyers, are allowed in to see people in CBP detention. **Migrants preparing for CFIs in CBP detention have no access to legal counsel.**
- The number of migrants who passed their CFI went way down under PACR/HARP. Before, about 75% passed. With PACR/HARP, less than 25% passed. The rest were expelled.
- **It is extremely difficult for a migrant to prepare for a complicated legal case by themselves, after traveling to a new country, in just a day or two. And it is cruel to force them to do this.**

## TIPS FOR AVOIDING EXPEDITED REMOVAL

If you fear returning to your home country or if you want to apply for asylum, clearly tell an immigration officer.

- This should not happen, but the immigration officer may pressure you into taking back your application to enter the U.S. or asylum.
- You have a right to apply for asylum.

If you are already in the U.S. and an immigration officer thinks you should be in this process, you may have to show:

- that you have been in the US for 2 years or longer,
- that you legally entered the U.S., or
- were paroled in the U.S.

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