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Fact Sheet on DHS Notice on Expedited Removal

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What is expedited removal?

Created by Congress in 1996 expedited removal allows immigration officers to remove certain undocumented non-citizens without access to a hearing before an Immigration Judge¹. In particular, expedited removal applies to:

- non-citizens that are not in possession of a valid immigrant visa or other valid entry document. INA (a)(7)
- non-citizens that seek entry by misrepresentation or falsely claiming citizenship INA(a)(6)(C)

What does this Notice do?

- Rescinds the March 21, 2022 Notice, Rescission of the Notice of July 23, 2019, Designating Aliens for Expedited Removal, which limited the application of expedited removal procedures.
- Designates for expedited removal the following categories of undocumented non-citizens that arrived via land borders:
 - Those who are apprehended anywhere in the United States more than 100 air miles from a U.S. international land border, and who have been continuously present in the United States for less than two years;
 - Those who are apprehended within 100 air miles from a U.S. international land border, and who have been continuously present in the United States for at least 14 days but for less than two years.

¹ There are certain protections for people who indicate a fear of persecution or torture, or an intent to apply for asylum.

- Places on the non-citizens the affirmative burden to show to the satisfaction of an immigration officer that they have been physically present in the United States for the duration of the relevant period.
- It clarifies that non-citizens who arrive at US ports of entry are already subject to expedited removal.
- It clarifies that Cuban nationals continue to be subject to expedited removal if the conditions above are met.

When is this designation effective?

This designation is effective on 6:00 PM EST on Tuesday January 21, 2025.