

## **ETRACCION ADECUADA, REINSTALACION DE LA REMOCION Y PROCEDIMIENTO ADMINISTRATIVO DE REMOCION**

This section does **NOT** apply to people in: Removal Proceedings ([Form I-862 “Notice to Appear”](#)); Deportation Proceedings ([Form I-221 “Order to Show Cause”](#)); Exclusion Proceedings (“Form I-110” and/or “Form I-122”).

### **What is Expedited Removal and Does it Apply to You?**

- Expedited removal is the process by which a non-U.S. citizen trying to enter the United States through a port of entry is removed from the United States *without a court hearing*. In these cases, immigration inspectors at the port of entry find the person to be *inadmissible* to the United States. Returning lawful permanent residents should not be put in expedited removal proceedings.
- Generally, a person is *admissible* when he or she presents valid documents allowing entry into the United States and meets the other requirements for admission.
- The most common inadmissibility grounds are fraud or misrepresentation and attempting to enter the United States without proper documents. Other grounds include having certain criminal offenses or having violated the immigration laws in the past.
- A person is under expedited removal if he or she received **Form I-860** “Notice and Order of Expedited Removal.”
- Individuals facing expedited removal do not have a right to have a lawyer or to a court hearing before an immigration judge.
- If removed, a person will not be permitted to return to the United States for 5 years or longer (some exceptions apply).

### **Can You Fight Deportation While in Expedited Removal?**

- If you fear being returned to your country, you may apply for protection by applying for asylum, withholding of removal, or protection under the Convention Against Torture.
- If you already have legal status in the United States (for example, U.S. citizenship, legal permanent residence, refugee, or asylee status), you should present evidence of your legal status to the immigration officer. You might be allowed to enter the country or placed in regular removal proceedings while a judge reviews your case.

## What is Reinstatement of Removal and Does it Apply to You?

- Reinstatement of Removal is the process by which the U.S. government can deport individuals who reenter the United States illegally after having been deported or removed in the past.
- Under Reinstatement of Removal, DHS may remove you based on a previous deportation or removal order if you reentered the U.S. without permission. You should tell the DHS officer if you believe that you entered legally.
- You are under Reinstatement of Removal if you received **Form I-871** “Notice of Intent/Decision to Reinstatement Prior Order.”
- If a previous order of removal is reinstated, you will not have a court hearing with an immigration judge.

## Can You Fight Deportation while in Reinstatement proceedings?

- If you fear being returned to your home country, you may apply for asylum, withholding of removal, or protection under the Convention Against Torture. The government will likely argue that you are only eligible for withholding of removal and relief under the Convention Against Torture.
- If you believe that you are a U.S. citizen, you can challenge the reinstatement of the prior removal order. There are various ways to be a U.S. citizen besides being born in the United States.
- If you believe that DHS has the wrong information about you or your identity, you can challenge the reinstatement of the prior removal order.
- If you believe that you reentered the United States *legally*, you can challenge the reinstatement of the prior removal order.
- If you previously left the United States under an order of “voluntary departure” and then returned illegally, you should not be in reinstatement proceedings. You should be in regular removal proceedings.

In some states, you may be able to challenge the legality of the reinstatement of the prior removal order in the U.S. Court of Appeals for your geographical area. It is best to have a lawyer to assist you and you must act quickly. **You only have 30 days from the date of the Reinstatement Order to file a petition for review in the U.S. Court of Appeals.**

## What is Administrative Removal and does it Apply to You?

- Administrative Removal is the process by which the U.S. government may remove people who have been convicted of an [aggravated felony](#) and do not have legal permanent residence in the United States.
- You are under Administrative Removal if you received **Form I-851** “Notice of Intent to Issue a Final Administrative Deportation Order.”
- Under Administrative Removal, DHS, not an Immigration Judge, will decide your case. DHS makes its decision based on its records and other documents.

## Can You Fight Deportation While in Administrative Removal Proceedings?

- You must respond in writing to charge of Administrative Removal within **10 days** from the date DHS provided you with the notice (or 13 days if the notice was mailed to you).
- DHS may terminate Administrative Removal proceedings and send your case to an immigration judge if:
  - You are a Legal Permanent Resident or U.S. citizen;
  - Your criminal offense is not an aggravated felony.
    - Note: In some cases, a criminal defense lawyer might be able to reopen your conviction to change the sentence or the nature of your conviction.
  - If you fear being returned to your native country, you may apply for asylum, withholding of removal, or protection under the Convention Against Torture. *You should immediately tell your deportation officer if you have a fear of returning to your home country.*
  - A family member has submitted a visa application for you, and the visa is both (i) approved and (ii) immediately available.