



*Lincoln Goldfinch Law  
An Immigration Firm*

## Expedited Removal, Asylum, and Credible Fear Interviews

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### Expedited Removal Statute 8 U.S.C. § 1225(b)(1)

Any individual who arrives at a port of entry in the United States and who is inadmissible under either 8 U.S.C. § 1182(a)(6)(C) (misrepresentations and false claims to U.S. citizenship) or § 1182(a)(7) (lack of valid entry documents), is subject to expedited removal. 8 U.S.C. § 1225(b)(1)(A)(i)

Secretary of DHS has the authority to apply expedited removal to any individual apprehended at a place other than a port of entry, who is inadmissible under either of those grounds, has not been admitted or paroled, and cannot show that he or she has been continuously present in the United States for two or more years. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii)



## Expedited Removal by regulation 69 Fed. Reg. 48877, 48880 (2004)

100 mile/14 day rule:

Authorizes the Department of Homeland Security to place in expedited removal proceedings any or all members of the following class of aliens: Aliens determined to be inadmissible under sections 212(a)(6)(C) or (7) of the Immigration and Nationality Act who are present in the U.S. without having been admitted or paroled following inspection by an immigration officer at a designated port-of- entry, **who are encountered by an immigration officer within 100 air miles of the U.S. international land border, and who have not established to the satisfaction of an immigration officer that they have been physically present in the U.S. continuously for the fourteen- day (14-day) period immediately prior to the date of encounter.**

**April 1997-Nov 2002: applied to arriving aliens at ports of entry 62 FR 10311**

**Nov 2002: expanded to include aliens arriving by sea 67 FR 68923**

**Aug 2004-Sept 2005: Laredo, Tuscon, RGV pilot program, Yuma and El Centro AZ , and San Diego for reinstatement**

**Sept 2005: including to all southwest border**

## Expedited Removal and Credible Fear Interview

If the alien indicates an intention to apply for asylum or a fear of persecution, the officer shall refer the alien for a credible fear interview. 8 U.S.C. §§ 1225(b)(1)(A)(ii), (B); 8 C.F.R. § 235.3(b)(4)

DHS is required to read a script to individuals in ER that informs them of their rights to seek asylum:

I-867AB, Record of Sworn Statement in Proceedings

Following questioning and recording of the alien's statement regarding identity, alienage, and inadmissibility, the examining immigration officer shall record the alien's response to the questions contained on Form I-867B, and have the alien read (or have read to him or her) the statement, and the alien shall sign and initial each page of the statement and each correction.



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