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Enforcement and Removal

10/21/2020

ICE implements July 23, 2019 expedited removal designation

WASHINGTON – U.S. Immigration and Customs Enforcement can now expedite the removal of certain aliens thanks to a recent order issued by the U.S. Court of Appeals for the D.C. Circuit, Sept. 30, 2020. The court order mandates the removal of the July 27, 2019, preliminary injunction which was the only legal impediment to ICE in enforcing former Acting Secretary of Homeland Security Kevin K. McAleenan's July 23, 2019, Designation of Aliens for Expedited Removal. Expediting removals will help keep dangerous criminals from entering communities to potentially reoffend.

"Our ability to implement this important statutory tool will further enable us to protect our communities and preserve the integrity of our nation's congressionally mandated immigration laws," said Tony Pham, Senior Official Performing the Duties of ICE Director.

Pursuant to the July 2019 expedited removal designation, aliens, except for unaccompanied alien children, are subject to expedited removal if they:

1. are not already subject to an expedited removal designation;
2. are encountered anywhere in the United States;
3. have not been admitted or paroled into the United States;
4. are determined to be inadmissible under sections 212(a)(6)(C) or (a)(7) of the Immigration and Nationality Act (INA); and
5. have not affirmatively shown, to the satisfaction of an immigration officer, that they have been physically present in the United States continuously for the two-year period immediately preceding the date of the determination of inadmissibility.

All ICE officers, special agents and attorneys must complete required web-based training before they can implement the July 2019 expedited removal designation.

The INA permits the U.S. Department of Homeland Security (DHS) to remove, without a hearing before an immigration judge, aliens encountered at a port of entry who are inadmissible to the United States under sections 212(a)(6)(C) or (a)(7) of the INA. The Secretary of Homeland Security may designate for expedited removal certain other aliens who are unable to affirmatively demonstrate that they have been physically present in the United States for the 2-year period immediately prior to their determination of inadmissibility.

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