

## EXPEDITED REMOVAL & PAROLE EXPLAINED

### WHAT IS EXPEDITED REMOVAL?

Expedited removal is a process that immigration officials can use to quickly remove certain people from the United States without allowing them the opportunity to see a judge or an attorney before being removed. Expedited removal applies to any non-citizen who has not been physically present in the United States for at least 2 years and who satisfies 1 of the following requirements:

1. Presented to immigration officials at or near the border and found to be inadmissible due to lack of valid entry documents
2. Entered or attempted to enter the United States unlawfully and were detained by immigration officials at or near the border

### WHAT IS A CREDIBLE FEAR DETERMINATION?

If a non-citizen in the expedited removal process expresses fear of returning to their country or states that they wish to apply for asylum, they will be interviewed by an asylum officer to determine whether they have “credible fear.” To determine that a non-citizen has credible fear, the asylum officer must find that there is a **significant possibility** that that non-citizen will satisfy the criteria for asylum, meaning that if allowed to apply for asylum, the non-citizen will be able to show that they have been persecuted or that they have a well-founded fear of persecution or harm on account of their race, religion, nationality, membership in a particular social group, or political opinion if returned to their country.

If an asylum officer determines that a non-citizen who is in the expedited removal process *does* have credible fear, the credible fear determination is **positive**, and the non-citizen is allowed to apply for asylum and remain in the United States until their asylum application is decided by an immigration judge. Conversely, if an asylum officer determines that the non-citizen *does not* have credible fear, their credible fear determination is **negative** and can be reviewed by an immigration judge. If the immigration judge agrees with the negative determination, the non-citizen is removed from the United States.

Under current U.S. immigration law, non-citizens with positive credible fears who were in the expedited removal process are not eligible to be released on bond, if detained, pursuant to an Attorney General decision, known as *Matter of M-S-*, 27 I&N Dec. 509. The only way that the non-citizen can be released is by requesting parole from a deportation officer. Parole will only be granted as a matter of discretion.

### HOW CAN A DETAINED NON-CITIZEN BE RELEASED UNDER THESE CIRCUMSTANCES?

Generally, ICE will grant **parole** if the non-citizen submits a written request with supporting evidence which shows that the non-citizen satisfies each of the following requirements:

1. Their identity is established
2. They are not a flight risk
3. They are not a danger to the community
4. They are 1 of the following:
  - a. Non-citizen with a serious medical condition or who is pregnant
  - b. Juvenile (under 18 years of age)
  - c. Non-citizen who will testify as a witness in an unrelated matter (for example, a criminal case)
  - d. Non-citizen whose continued detention is not in the public interest

If ICE denies a non-citizen’s request for parole, there is no opportunity for appeal. The non-citizen may only apply for parole again if they can show that there are **significant changed circumstances** which are related to the reasons why ICE denied the initial request for parole and should change ICE’s decision.

# HOW TO APPLY FOR ICE PAROLE AS A NON-CITIZEN WITH A POSITIVE CREDIBLE FEAR DETERMINATION

## **STEP 1: FIND A SPONSOR**

Though a sponsor is not required, a request for parole is unlikely to be approved by ICE unless the non-citizen has an appropriate sponsor. The sponsor must be able and willing to provide the non-citizen with housing and financial support if the non-citizen is released from detention. The sponsor must also promise to make reasonable efforts to ensure that the non-citizen attends all immigration court hearings and appointments with ICE. Ideally, the sponsor will be a lawful permanent resident of the United States or a United States citizen. If your sponsor does not have lawful immigration status in the United States, they risk exposing themselves to immigration officials.

## **STEP 2: GATHER DOCUMENTS + SUBMIT REQUEST TO ICE**

Gather as many of the following documents as possible to include with the request for parole. Any documents submitted with the request must be in English or accompanied by an English translation.

- 1. Sponsor documents.** Gather the following documents from the sponsor:
  - a. Letter signed by the sponsor which provides the sponsor's full name and address, and explains that the sponsor is able and willing to (1) provide the non-citizen with housing and financial support and (2) ensure the non-citizen attends immigration court and any appointments with ICE.
  - b. Proof of lawful immigration status, such as a United States passport, green card, or birth certificate.
  - c. Proof of residence, such as lease or mortgage agreements, utility bills, mail containing the sponsor's name and address.
  - d. Proof of income, such as paystubs, bank statements, or a letter from their employer.
- 2. Non-citizen documents.** Gather the following documents from the non-citizen:
  - a. Letter signed by the non-citizen (or signed by another person with the non-citizen's permission) (1) explaining how they satisfy the eligibility criteria and (2) promising to follow any rules or restrictions imposed by ICE as a condition of their parole.
  - b. Identity documents, including their birth certificate, passport, and any identification cards.
  - c. Documents showing that the non-citizen meets the criteria for parole, such as (1) medical records showing that the non-citizen has serious medical condition or is pregnant, (2) documents showing that the non-citizen is under the age of 18, (3) documents showing that the non-citizen is required to testify as a witness in an unrelated matter, or (4) documents showing that the non-citizen's continued detention is not in the public interest.
  - d. Copy of the non-citizen's completed application for asylum and any supporting evidence.
- 3. Letters of support.** Gather letters by friends and family of the non-citizen explaining (1) their relationship with the non-citizen, (2) why they believe the non-citizen is not a flight risk, and (3) why they believe the non-citizen is not a danger to the community. Each letter should include a copy of the author's photo identification.
- 4. Discretion evidence.** Gather documents that show that you are deserving of a positive exercise of discretion by ICE, such as evidence that the non-citizen has access to legal counsel if released or that other family who have been released have similar cases and these cases should be heard together.
- 5. Cover letter.** Draft a cover letter addressed to ICE and include (1) the non-citizen's complete name, A-number, and current detention facility, (2) a brief statement explaining that the non-citizen is requesting parole and how they satisfy the requirements, and (3) a list of documents contained in the request for parole.

Once all of the necessary documents have been gathered, submit the parole request to ICE by email to [Detroit.outreach@ice.dhs.gov](mailto:Detroit.outreach@ice.dhs.gov) AND/OR by mail to ICE/ERO Detroit, 260 Mt. Elliott Street, Detroit, MI 48207.

## **STEP 3: WAIT FOR A DECISION FROM ICE**

ICE generally responds to requests for parole within 1-3 weeks. The non-citizen will be personally served with a physical copy of ICE's decision. If ICE denies a non-citizen's request for parole, there is no opportunity for appeal. The non-citizen may only apply for parole again if they can show that there are significant changed circumstances which are related to the reasons why ICE denied the initial request for parole and should change ICE's decision.