Biden Administration Border Policies After Title 42: Restricted Asylum Access, Rapid Deportations

Ana arrives at the border

- Ana does not express fear of return
- Ana says she is afraid to return to country of origin

CBP fails to record fear
CBP records fear, refers to USCIS

Asylum ban kicks in here! Did Ana:
1) get denied asylum in a country of transit; or
2) make an appointment at the port of entry using CBP One app?

If yes: Ana is eligible for asylum and gets a Credible Fear Interview

If no: Ana is ineligible for asylum and will fail her Credible Fear Interview unless she can meet an exception ***

- Officer finds Ana's fear is not credible **
- Officer finds Ana's fear is credible

expedited deportation

The process outlined in orange is called Expedited Removal.

The Department of Homeland Security does NOT have to use expedited removal. Instead, they can exercise discretion and send arriving asylum seekers to have a fair hearing in front of an immigration judge.

The Biden administration plans to weaponize Expedited Removal by forcing asylum seekers through the process within days of their arrival while they are still in Customs and Border Protection (CBP) custody or Immigration and Customs Enforcement (ICE) custody. Families forced through this process in family detention could be deported in less than 20 days.

CBP and ICE detention facilities become deportation factories when people are forced through Expedited Removal while detained.

** Ana may seek Immigration Judge review of a negative fear determination.
*** Exceptions include acute medical emergencies, imminent threat to life or safety, or trafficking victim. The burden is on Ana to prove she falls in an exception. If no exception, Ana may continue with her CFI and if she is able to prove her fear of persecution of torture under a newly heightened standard, she can seek a lesser protection known as "withholding" or "deferral of removal"; these protections are temporary and don't allow for relative petitions or citizenship.

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