Practice Alert: Guidance on *CHIRLA v. Noem* Order (Expedited Removal)

October 2, 2025

On September 12, 2025, the D.C. Circuit denied the government's motion for a stay pending appeal, dissolved its temporary, partial administrative stay, and fully restored the district court's August 1 order in *CHIRLA v. Noem*, a lawsuit challenging Trump 2.0 government directives applying expedited removal to paroled individuals. The August 1 order, which is now fully in effect, stays policies that allowed DHS to put individuals who were previously paroled into the United States at a port of entry into expedited removal proceedings. The court issued the stay based on its conclusion that the Immigration and Nationality Act (INA) likely does not authorize expedited removal for people who were paroled at a port of entry even after their parole has been terminated. The court's stay order blocks three agency policies pending the conclusion of the *CHIRLA v. Noem* litigation, *to the extent that those policies allowed DHS to subject to expedited removal noncitizens who have been paroled into the United States at a port of entry*. The three policies are as follows: (1) the January 23 Huffman Memorandum, (2) a February 18 ICE directive; and the March 25 CHNV Termination Notice.

Thus, since the D.C. Circuit fully restored the district court's August 1 stay order, DHS cannot rely on the three 2025 policies to subject to expedited removal any noncitizen who was previously paroled into the United States at a port of entry. For clients previously paroled into the United States at a port of entry whom ICE appears to be subjecting to expedited removal, Athe National Immigration Project and AILA advise the following based on the client's specific procedural posture.

Advocacy with ICE. If ICE appears to be pursuing expedited removal against your client, contact their ICE Deportation Officer immediately notifying them that the client is covered by the district court's order in *CHIRLA v. Noem*, and thus that ICE may not pursue expedited removal against your client. Include evidence that your client is covered by the order, *i.e.* that they were previously paroled into the United States at a port of entry.

For clients with an ER order, counsel could also ask that ICE promptly vacate the ER order, halt any other ER-related processes (*e.g.* CFI scheduling), and release the client from detention. Counsel could also request written confirmation that the ER order has been vacated.

Sample Language: Deportation Officer, I represent NAME and A NUMBER and request that ICE promptly vacate NAME's ER order, halt any other ER-related processes (including the CFI scheduled for DATE), and release NAME from detention. As you may be aware, on August 1, 2025, the U.S. District Court for the District of Columbia in *CHIRLA v. Noem* halted policies permitting DHS to put individuals who entered on parole at a port of entry into expedited removal proceedings. The court found that the INA does not authorize expedited removal for people who were paroled at a port of entry even after their parole has been terminated. On September 12, 2025, the D.C. Circuit denied the government's motion for a stay pending appeal of the district court's order, and thus the August 1 order is in full effect. *CHIRLA v. Noem*, No. 25-5289, 2025 WL 2649100 (D.C. Cir. Sept 12, 2025). NAME was paroled into the United States at a port of entry at LOCATION on DATE and is thus covered by the district court's stay order, which prevents ICE from pursuing expedited removal against him/her. See attached evidence of NAME's parole at a port of entry. Please respond to this email by DATE AND TIME confirming that you are vacating NAME's ER order, halting all other ER-related processes (including the CFI scheduled for DATE), and releasing NAME from detention. If I do not hear from you by then, I will escalate this matter to counsel in *CHIRLA v. Noem*.

Advocacy in immigration court. If during an immigration court hearing OPLA moves to dismiss in order to subject to expedited removal an individual who was paroled into the United States at a port of entry, raise the district court's order, in addition to the other arguments against dismissal.

Advocacy with USCIS. If the asylum office dismisses an asylum application of an individual who was paroled into the United States at a port of entry based on a purported expedited removal order and schedules a CFI, raise the *CHIRLA* district court order and request that the asylum office vacate the ER order, reinstate the asylum application, and cancel the CFI. Note that on May 2, 2025 DHS issued a memorandum delegating to USCIS authority to place noncitizens into expedited removal. While the legality of this delegation is questionable, if USCIS claims to have the authority to place noncitizens into expedited removal, then they should also have the authority to vacate the ER order.

If any of these agencies proceed with expedited removal against individuals paroled into the United States at a port of entry, contact litigation counsel Hillary Li (Hillary.Li@justiceactioncenter.org), Laura Flores-Perilla (Laura.Flores-Perilla@justiceactioncenter.org) and Elia Gil Rojas (Elia.GilRojas@justiceactioncenter.org) with the following information:

- Client's full name
- Clients "alien" number
- Client's detention location
- POE location where the client was paroled
- Date when the client was paroled
- Agency that defied the stay order