# DEBT AND THE DEPORTATION AGENDA

## Immigration Fines in the Second Trump Administration

NYU | LAW

IMMIGRANT RIGHTS CLINIC

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# GLOSSARY

**Alienage:** In U.S. immigration law, the status of having been born somewhere other than the United States and not being a U.S. citizen.

**Civil Penalty:** A non-criminal remedy for a party's violations of laws or regulations. These penalties primarily take the form of fines.

**Deportability:** The condition of being removable from the United States after having been lawfully admitted into the country. Noncitizens are subject to the grounds of deportability found in 8 U.S.C. § 1227, the statute which correlates directly with INA § 237.

**Immigration and Nationality Act (INA):** The primary body of law governing U.S. immigration policy. The INA is codified in Title 8 of the U.S. Code.

**Inadmissibility:** The condition of being ineligible to enter the United States, or to be granted certain immigration statuses, based on the grounds of inadmissibility found in 8 U.S.C. § 1182, the statute which correlates directly with INA § 212. Individuals who are inadmissible also cannot obtain a U.S. visa or lawful permanent residency without a waiver of inadmissibility.

**Interim Final Rule (IFR):** A governmental rule issued by a federal agency without first issuing a notice of proposed rulemaking and soliciting and accepting public comments. The rule sets out new regulatory requirements and their effective date.

**Noncitizen:** In U.S. immigration law, a person who is not a United States citizen.

**Notice of Intention to Fine (NIF):** A Department of Homeland Security form (usually Form I-79), which notifies a noncitizen that a civil monetary penalty will officially be imposed upon them for violating a provision of the Immigration and Nationality Act.

**Notice of Violation and Order (NOV):** A Department of Homeland Security form which notifies a noncitizen that a civil monetary penalty is officially imposed upon them for violating a provision of the Immigration and Nationality Act.

**Order of Removal:** An order by an immigration judge that a noncitizen be removed from the United States.

**United States Code (U.S.C.):** A collection of all the laws of the United States.

**Voluntary Departure:** An alternative order to an order of removal through which a noncitizen can depart the United States at their own expense. This order must be granted by an immigration judge, and the noncitizen must meet certain conditions.

# EXECUTIVE SUMMARY

On January 20, 2025, President Donald Trump issued Executive Order 14159, titled "Protecting the American People Against Invasion."[1] The Executive Order called for a large-scale transformation of the federal government's immigration enforcement practices to execute his incoming administration's mass deportation campaign.[2] The Order reinstated the first Trump Administration's civil penalties program, which directed immigration officials to impose monetary fines on noncitizens who had willfully or voluntarily failed to depart the United States after receiving a removal or voluntary departure order.[3] This program was unprecedented: no other president had ever issued civil penalties under these provisions of the Immigration and Nationality Act.[4] President Trump was the first and remains the only executive to do so; President Biden rescinded the program after concluding that the fines were punitive and ineffective.[5]

Under the second Trump Administration, the civil penalties program has accelerated exponentially. As of the end of 2021, the first Trump Administration had 26 active fines against noncitizens.[6] As of March 2026, **the second Trump Administration had issued 65,101 fines to noncitizens across the country totaling more than $36 billion**, and this number has likely increased every day since.[7] To implement its fines program "swiftly and at scale," the second Trump Administration issued an Interim Final Rule that codified the program and severely constrained how noncitizens can challenge a fine.[8] On average, most fine recipients now have between 10 to 15 days to respond to the imposition of a fine before it is validated and referred for collections. Tens of thousands are at risk of being taken to federal district court for collection actions, which could result in a lien on their property, a garnishment on their wages, and the confiscation of their assets.[9] Others have already had their tax returns withheld.[10] All the while, the Trump Administration has been clear that this program is an attempt to create a culture of fear amongst immigrants so strong that they choose to "self-deport" because it is impossible to stay.[11]

Through its fines program, the Trump Administration has targeted a particularly vulnerable group of immigrants: those who are at risk of deportation at any moment. These community members are unable to share their experiences publicly for fear of retribution by the federal government. To better understand their experiences and the effect of these fines, the New York University School of Law Immigrant Rights Clinic[12] launched two surveys: one for legal representatives working with fine recipients and one for fine recipients themselves. The Immigrant Rights Clinic[13] surveyed 195 individuals across these two categories in April and May 2026. The latter survey collected personal accounts from individuals who received the fines, and their quotes are included throughout this report.

This report aims to highlight the devastating consequences of the Trump Administration's second civil penalties program. **Section 1** discusses the legal framework and history of the fines program, including an analysis of its fundamental misconception that an order to depart is the last possible step in someone's immigration journey. **Section 2** explores the due process violations inherent in Trump Administration's Interim Final Rule and fining practices. **Section 3** provides an overview of the enforcement mechanisms that the Administration has used to threaten immigrants' economic stability and how immigration fines are part of a larger pattern of wealth extraction from vulnerable communities. Finally, **Section 4** focuses on the human impact of these fines and the physical, emotional, and psychological harm they have brought to fine recipients and their families.

# 1. BACKGROUND AND METHODOLOGY

This report provides insight into the experiences of people who have received civil immigration fines from the federal government for failure to depart following certain orders in their immigration cases.

These stories are the outcome of a broader political history which has shaped the imposition of immigration fines as a tool for immigration enforcement. To better understand the impact of immigration fines, one must first understand the source from which the federal government derives the authority to impose them; how fines have been used by prior administrations; and how the current use of these fines by the second Trump Administration represents a singular moment in the use of immigration fines as a coercive tool of immigration enforcement.

The first four subsections (Subsections 1.1–1.4) summarize this history, starting from the fines' statutory context to the first time these types of immigration fines were imposed, and continuing to the current moment, including the unprecedented and unlawful imposition of these fines against thousands of noncitizens. Subsection 1.5 then provides context for why this report's underlying survey was conducted, and the methodology used to construct and distribute the survey.

## 1.1 The Legal Framework of Immigration Fines

In 1996, the United States Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).[14] The IIRIRA transformed the U.S. immigration system, drastically limiting noncitizens' rights and remedies while expanding the government's authority and capacity to deem removable, detain, and deport noncitizens.[15]

One of those transformations was the introduction of civil penalties through Sections 240B and 274D to the Immigration and Nationality Act (INA). For decades, Congress criminalized the "willful" failure to depart the United States, penalizing noncitizens who had a bad purpose or non-justifiable excuse in failing to leave the country when so ordered.[16] Prosecutions of this kind were rare—prosecutors tended to prioritize criminal cases. But in the IIRIRA, as part of an effort to expand and expedite deportations through every lever, Congress created various civil penalties that could be employed by federal immigration officials for the same "willful" or "voluntary" failure to depart the United States.

To initiate removal proceedings under the INA, the government must bring charges against a noncitizen alleging their inadmissibility or deportability.[17] Generally, the noncitizen must then appear before an immigration judge. In all cases, the Department of Homeland Security (DHS) bears the burden of establishing alienage. If charged as inadmissible, the noncitizen bears the burden of establishing their admissibility to the United States. If charged as deportable, DHS bears the burden of establishing deportability. The noncitizen bears the burden of establishing any eligibility for immigration relief. The immigration judge has the ultimate responsibility of weighing the evidence and adjudicating these claims.

If the immigration judge rules that a noncitizen is inadmissible or deportable and ineligible for relief in immigration court, the judge will enter an order of removal, which constitutes a "conclusive determination of the [noncitizen]'s removability from the United States."[18] Per regulation, that removal order becomes final after meeting certain conditions.[19] An immigration judge, through authority designated to them by the Attorney General, may also permit a noncitizen to avoid a removal order by voluntarily departing at their own expense if the noncitizen meets certain statutory criteria; this is referred to as a voluntary departure order.[20] By enacting Sections 240B(d) and 274D, Congress enabled the federal government to impose a "civil penalty"—in other words, a fine—on noncitizens who failed to leave the country after receiving a voluntary departure or removal order without justification. Under Section 240B, if a noncitizen "voluntarily fails to depart" after being granted a voluntary departure order, the government can fine that noncitizen for up to $5,000.[21] And under Section 274D, if a noncitizen "willfully fails or refuses to . . . depart from the United States" pursuant to a final order of removal, the government can fine the noncitizen up to $500 for *every day* the noncitizen failed to depart.[22] Due to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, fines have increased incrementally over time, and **Section 274D fines are now $998 per day.**[23] Generally, there is a five-year statute of limitations on federal civil offenses, which means that noncitizens with a final order of removal can currently be fined up to $1,820,352.[24]

Notably, federal law provides several pathways for individuals to continue to remain in the U.S. despite having received a removal order or voluntary departure order. For example, some people may be appealing the order, others may receive authorization to remain in the U.S. under supervision, and others may be pursuing certain forms of immigration status or relief. Several kinds of immigration relief remain available to noncitizens even after they have received a removal order or voluntary departure order. These pathways include specialized forms of relief for noncitizens who are the victims of crime or abuse, such as U or T Visas and relief under the Violence Against Women Act (VAWA). Others may qualify for certain forms of humanitarian relief, like Temporary Protected Status (TPS) or deferred action. Individuals with changed circumstances may become newly eligible for asylum, cancellation of removal, withholding of removal, and protection under the Convention Against Torture. Other material changes in circumstances may provide grounds to reopen old cases. Many of these pathways require that an individual remain present and available in the country even after a removal order or voluntary departure order. For example, a survivor of trafficking can pursue a T visa after an order of removal but can only do so while they are physically present in the United States.[25]

The following chart describes some of these pathways to relief to illustrate the many possible legal postures of any given immigration case after an order of removal or voluntary departure order.

| TYPES OF IMMIGRATION RELIEF * |
|---|
| **Asylum:** Permanent protection granted to an individual already in the United States if they can establish a valid fear of persecution in their country of origin. |
| **Withholding of Removal:** Protection granted after an individual has received an order of removal but who can establish a valid fear of persecution in their country of origin. |
| **Protection Under the Convention Against Torture:** Protection under the United Nations Convention Against Torture for individuals who can demonstrate they would be subject to torture if returned to their country of origin. |
| **Deferred Action for Childhood Arrivals:** Temporary protection for certain individuals brought to the United States as children that grants them both protection against deportation and work authorization. |
| **Temporary Protected Status:** Temporary protection for individuals from designated countries due to conditions in that country that make their return unsafe. |
| **U Nonimmigrant Status:** Protection for victims of certain crimes in the United States who have or will cooperate with law enforcement in the investigation or prosecution of that crime. |
| **T Nonimmigrant Status:** Protection for individuals who are in the United States as a result of a severe form of human trafficking, either labor trafficking or sex trafficking. |
| **Violence Against Women Act Self-Petition:** Protection for abused spouses or children of U.S. Citizens and Lawful Permanent Residents and abused parents of U.S. Citizen sons or daughters. |
| **Special Immigrant Juvenile Status:** Protection for minors who have been abandoned, abused, or neglected by a parent after a juvenile court has determined it is not in their best interest to return to their country of origin. |
| **Adjustment of Status:** Process through which an individual can apply for lawful permanent resident status while they are present in the United States. |
| **Cancellation of Removal:** Process through which lawful permanent residents and undocumented individuals who can meet specific residency and discretionary requirements can (re)obtain lawful permanent resident status. |
| **Stay of Removal:** A temporary order prohibiting the federal government from executing a final order of removal against an individual. |

**Above are some examples of affirmative and defensive forms of immigration relief, many of which noncitizens may pursue after being ordered to depart. This diagram is meant to be illustrative and is not exhaustive.*

**A removal order or voluntary departure order is therefore not necessarily the final step in a noncitizen's journey in the United States**, and noncitizens who continue to remain in the U.S. may have valid reasons for doing so. A determination of whether a person's ongoing presence in the United States is a "willful" or "voluntary" "failure to depart" for the purposes of federal immigration law requires more than just proving the existence of a past removal order or voluntary departure order coupled with physical presence.

## 1.2 Use of Immigration Fines Before the First Trump Administration

Sections 240B and 274D became law in 1996. Yet for two decades, no presidential administration assessed immigration fines against noncitizens under these provisions.[26] That all changed with the first Trump Administration. On January 30, 2017—a mere ten days following his inauguration into office for his first term—the newly-elected President Trump issued Executive Order 13768, titled "Enhancing Public Safety in the Interior of the United States."[27] The order broadly directed all executive agencies to "employ all lawful means to enforce the immigration laws of the United States."[28] In the order, the first Trump Administration recognized immigration fines imposed under Sections 240B and 274D as one of these "lawful means."[29]

The order specifically directed the Secretary of DHS to issue guidance and promulgate rules to "ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from [noncitizens] unlawfully present in the United States . . . ."[30] During the year that followed, U.S. Immigration and Customs Enforcement (ICE) issued two delegation memos authorizing the federal government, for the first time, to impose civil immigration fines for failure to depart from the United States.[31] Then, starting in August 2018, ICE began issuing fines to noncitizens through Notices of Intention to Fine.[32]

## 1.3 Enforcement of Immigration Fines During the First Trump Administration

From 2018 to 2021, the fines assessed under Sections 240B and 274D employed procedures under the regulations in 8 C.F.R. § 280.[33] The enforcement of that program, however, was largely ineffective. Between December 2018 through March 2019, over 75% of mailed Notices of Intent to Fine were returned as undeliverable or lost in the postal system.[34] According to ICE's own records, as of May 20, 2020, it had sent notices to 233 individuals. Of those 233, 23.6% were delivered by the U.S. Postal Service, while 67.8% were not delivered and 12.4% were cancelled.[35] Still, by the end of the first Trump Administration, ICE retained 26 active civil penalties cases.[36] ICE records confirm that the agency had sought to collect on 20 fines, totaling $83,628.[37] From the invoices issued, ICE collected a total of only $4,215.[38]

The first Trump Administration used the initial fines program to target leaders of the sanctuary movement for their public activism and criticism of its actions. The Trump Administration specifically targeted immigrants taking sanctuary in houses of worship, assessing hundreds of thousands of dollars in immigration fines against those individuals.[39] In response, sanctuary leaders—with the support of several legal services and membership organizations, including the Austin Sanctuary Network, the First Unitarian Church of Salt Lake City, Free Migration Project, the Center for Constitutional Rights, Just Futures Law, and the Immigrant Rights Clinic—organized against and resisted the administration's policies, including through a legal challenge to the immigration fines under the First and Eighth Amendments, the Religious Freedom Restoration Act, and the Federal Tort Claims Act.[40]

The sanctuary leaders' campaign against their immigration fines exposed the severe consequences of the debt the government was imposing on them and their families. Most of the sanctuary leaders were mothers seeking asylum, some of whom had been previously detained by the federal government with their children. They were advocating alongside their churches for reforms to the immigration system that would allow them to regularize their status and live in safety in the United States.[41] All had fled violence in their home countries, and some had even escaped government extortion there. Receiving punitive fines totaling hundreds of thousands of dollars from the United States, the same country they had asked for protection, felt like a blow from which they and their families could never recover and caused incredible emotional and financial hardship for all.[42]

In late 2020, President Biden was elected to office. The sanctuary leaders continued to call for an end to the civil fines program. On January 20, 2021, President Biden issued a new Executive Order, 13993, which rescinded President Trump's Executive Order which, in part, called for the creation of the fines program. DHS then rescinded the imposed fines and withdrew any active Notices of Intention to Fine.[43] In rescinding the fines, then Secretary of DHS Alejandro Mayorkas noted that "[t]here is no indication that these penalties promoted compliance with noncitizens' departure obligations. We can enforce our immigration laws without resorting to ineffective and unnecessary punitive measures."[44] The government settled the sanctuary leaders' lawsuit, and no further civil fines were issued under the Biden Administration.[45]

## 1.4 Reimplementation of Immigration Fines During the Second Trump Administration

The rescission of the civil immigration fines policy under President Biden, while meaningful for the several people impacted by the immigration fines program during President Trump's first term, was relatively short-lived. On the first day of his second term, President Trump issued a sweeping Executive Order which sought to align the immigration system with an aggressive vision for immigration enforcement and the mass removal of noncitizens, titled "Protecting the American People Against Invasion."[46] The order described immigration during the Biden Administration as an "unprecedented flood of illegal immigration"; painted "many" of the noncitizens who had immigrated during that time as "significant threats to national security and public safety"; and called for government to put the "interests" of "[t]he American people . . . first."[47] The order effectively reworked federal enforcement of immigration laws, directing relevant agencies to refocus all resources on enforcing the removal of noncitizens on a massive scale.

In Section 8 of the Executive Order, President Trump reinstated the Sections 240B and 274D fines program and called for its expedited implementation.[48] Within two months, the ICE Acting Director delegated his authority to administer and enforce immigration fines to various ICE officers, who then re-delegated that authority to its Enforcement and Removal Operations (ERO) Deportation Officers.[49] This time, the federal government significantly increased the number of fines it imposed—by June 13, 2025, the government had issued nearly 10,000 NIFs.[50]

Then, without prior notice, DHS issued an Interim Final Rule (IFR)—a binding regulation issued without notice or prior opportunity to comment—that altered the regulations under which fines are imposed. The IFR, titled "Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations," stripped the fines program of its already minimal protections under 8 C.F.R. § 280.[51] In the IFR, the government argued that these procedures, which provided a semblance of protection from undue civil fines for fine recipients, were "overly burdensome . . . and unnecessary" and would "hinder DHS' ability to impose these [fines] at scale."[52]

Section 2 of this report provides a more thorough analysis of the differences between the current regulatory regime and the previous one. Suffice it to say, however, the result has been significant in both scale and impact. ICE has stated that between January 20, 2025, and March 18, 2026, the agency issued 65,101 immigration fines, totaling more than $36 billion.[53] So far, there has been no reliable information, either from the Trump Administration or private debt collectors, about how much the federal government has collected from noncitizens.

## 1.5 Survey and Methodology

To better understand the population of immigrants receiving these fines and what they have experienced because of this debt, the NYU Law Immigrant Rights Clinic[54] conducted two surveys in April–May 2026: one of legal representatives with clients who have had fines assessed against them; and one of fine recipients themselves. The resulting data is referenced throughout this report.

The representative survey asked attorneys and other accredited legal advocates about their clients who had received immigration fines. This survey sought information across three categories: immigration history, economic circumstances, and personal experience with the fines. These questions were largely structured as yes or no questions or discrete multiple-choice questions, with the intention of aggregating demographic characteristics and other quantifiable data points from representatives with respect to (1) their clients and (2) their own experiences, if any, with disputing the fines.

The fine recipient survey, on the other hand, was much shorter and asked a mix of yes or no questions and long-form subjective questions. The intent of the client survey was to provide a platform for individuals to describe their experience in the United States and the impact of the fines without requiring a recipient to disclose identifying details.

The attorney survey received a total of 143 responses, and the fine recipient survey received a total of 52 responses.

# 2. DUE PROCESS VIOLATIONS IN THE TRUMP ADMINISTRATION'S NEW FINES REGIME

Since 1957, the imposition and collection of immigration fines has been governed by the regulations codified in 8 C.F.R. § 280. These regulations established nominal procedures required to impose an immigration fine under the INA. As set out in Section 1, the IIRIRA created new penalties for noncitizens who had willfully or voluntarily failed to depart following removal or voluntary departure orders. Despite this expansion in 1996, the Clinton Administration and each subsequent administration left 8 C.F.R. § 280 intact. Noncitizens who were now potentially subject to immigration fines were entitled to the same procedural mechanisms that had been in place for well over half a century. In June 2025, the second Trump Administration gutted this process when it promulgated 8 C.F.R. § 281, which replaces the previous regulations with even weaker procedures.

This Section describes the new immigration fines regime. **Subsection 2.1** first describes how immigration fines have been imposed upon noncitizens under 8 C.F.R. § 280. **Subsection 2.2** outlines the differences between 8 C.F.R. § 280 and 8 C.F.R. § 281, including how the latter dramatically curtails the process through which a noncitizen may challenge a fine. **Subsection 2.3** explains how the new regime violates immigrants' due process rights through its lack of individualized assessments. Finally, **subsection 2.4** describes the impacts that these procedural changes have had on immigrants themselves.

## 2.1 How the Government Imposes Immigration Fines

At the outset of the second Trump Administration, the government imposed civil immigration fines through the process dictated in 8 C.F.R. § 280. Under this regulation, to impose an immigration fine, an authorized DHS employee first had to serve an individual with a Notice of Intention to Fine (NIF).[55] The NIF had to be delivered via personal service or certified mail.[56] In addition, the NIF outlined the procedure to challenge the imposition of the fine. This appeals process – and its regulatory transformation under the second Trump Administration – is explained in more detail in the following subsection.

The government's approach to issuing fines has changed over time. Initially, after an NIF was issued and the appeals process completed, the government's stated practice was to refer all validated fines to the Department of the Treasury's Centralized Receivables Service for collections. Fine recipients received an invoice from the Department of the Treasury demanding payment in full immediately.[57] These invoices stated that the fine was also subject to an annual 5% interest rate, administrative costs, and an annual 6% penalty rate on any past due amounts.[58] Recipients who received this invoice and failed to pay a fine within 60 days could have the debt referred to the Department of the Treasury's Cross-Servicing program for collection, which included an additional administrative cost not to exceed 32%. The Treasury could also:

- Reduce any eligible Federal and State payments due to the recipient.
- Refer the debt(s) to a private collection agency.
- Refer the debt(s) to the U.S. Department of Justice to initiate litigation.
- Report the indebtedness to national credit bureaus.
- Report the debt(s) to the IRS as potential income.

Federal agencies are generally required to assess interest, administrative costs and penalties on past due amounts. Interest accrues at the annual rate of 5% on any amount outstanding from the Invoice Date. Administrative costs include processing and handling of unpaid balances. A penalty will be assessed at the annual rate of 6% on any amount outstanding after 91 days from the Invoice Date. You can avoid assessment of any charges, if we receive payment for the above amount on or before 07/18/2025.

If you fail to pay the full amount within 60 days from the date of this invoice, the Centralized Receivable Service will refer your debt(s) to the U.S. Department of the Treasury's Cross-Servicing program for collection, at which time additional administrative costs that may exceed 32% will be added to your debt(s). Administrative costs may change in the future without notice. In addition, Treasury may take any or all of the following actions:

- Reduce any eligible Federal and State payments due to you.
- Refer your debt(s) to a private collection agency.
- Refer your debt(s) to the U.S. Department of Justice to initiate litigation.
- Report the indebtedness to national credit bureaus.
- Report your debt(s) to the IRS as potential income.

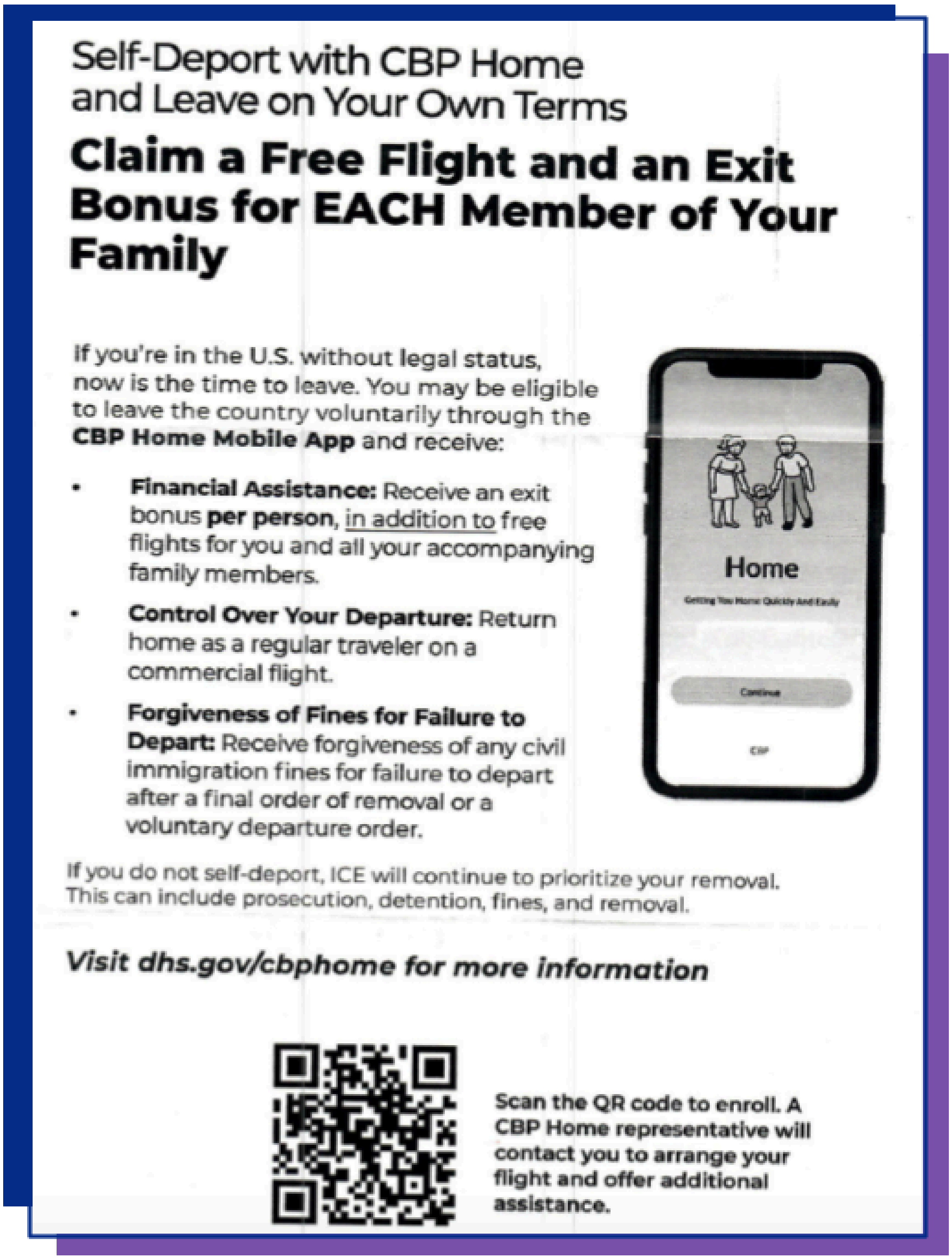
*Excerpt from DHS' Centralized Receivables Service Past Due Notice.*
*See Appendix Page 1 for complete form.*

By early 2026, U.S. Customs and Border Protection (CBP) began directly issuing collection invoices. These invoices demand immediate payment, like those issued by the Department of the Treasury, but now state that a collections lawsuit by the Department of Justice can be initiated against the recipient within just 10 days if they fail to pay the amount in full.[59] A recipient has these 10 days to dispute the fine by email.[60] The CBP invoices further state that past due amounts are now subject to an annual 4% principal interest rate, administrative costs for late payments, and an annual 6% penalty rate.[61] CBP can now take all the above measures that were previously carried out by the Treasury, with the addition of taking “this debt into consideration, to the extent permitted by law, in future immigration-related proceedings[.]”[62]

> If you fail to pay the full amount **within ten (10) calendar days of this Invoice Date,** the U.S. Department of Justice may file a civil lawsuit against you at any time. However, you may be able to avoid this debt if you voluntarily depart the United States within ten (10) calendar days of this Invoice Date and confirm your departure with U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or through the CBP Home mobile application. If immigration officials can verify your departure, and if you are otherwise eligible for the debt rescission program, the United States will rescind the debt listed above. For more information about voluntary departure and debt rescission, please see the DHS CBP Home Mobile application or www.dhs.gov/cbphome.
>
> If you wish to dispute this Invoice, your dispute must be in writing, must include your Penalty Tracking Number, and must be received by INACivilPenalties@cbp.dhs.gov **within ten (10) calendar days of this Invoice Date.**
>
> Failure to promptly pay this debt has consequences, including the accrual of interest, administrative costs, and a late payment penalty charge pursuant to 31 U.S.C. § 3717, 6 C.F.R. § 11.10, and 31 C.F.R. § 901.9. Interest shall accrue at the annual rate of 4% on the delinquent principal debt amount from the date of the Invoice Date. Administrative costs include costs for processing and handling of delinquent balances which accrue at 15% on the delinquent debt amount. You can avoid assessment of interest and administrative costs if payment in full is received within 30 days of the Invoice Date. Additionally, a late payment penalty charge will be assessed at the annual rate of 6% on any amount that is delinquent for more than ninety (90) days from the Invoice Date.
>
> If you fail to promptly pay this debt, CBP may take any or all of the following actions:
>
> - Collection of this debt by administrative offset of any eligible Federal and State payments due to you.
> - Refer your debt to a private collection agency.
> - Refer your debt to the U.S. Department of Justice to initiate collection litigation.
> - Report the indebtedness to national credit bureaus, which could adversely affect your credit rating.
> - Take this debt into consideration, to the extent permitted by law, in future immigration-related proceedings, including admissibility determinations.

*Excerpt from CBP Invoice Notice.*
*See Appendix Page 5 for complete form.*

Fine recipients are now told that they have 10 days to depart the United States and confirm their departure with the government to avoid going into debt. To that end, many of the NIFs reviewed during the preparation of this report were accompanied by a "self-deportation" flyer that encouraged fine recipients to "receive forgiveness of any civil immigration fines" by leaving the United States.[63]




*Sample CBP Home Flyer.*

## 2.2 Rollback of Procedural Due Process Protections When Challenging an Immigration Fine

The Supreme Court has long held that noncitizens are entitled to the due process of law guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution.[64] Due process includes procedural due process, which is the constitutional requirement that before denying a person of their life, liberty, or property interest, the government must provide them with proper notice, the opportunity to be heard, and a decision by a neutral decision-maker.[65] These protections are necessary to establish fundamental fairness in legal proceedings by ensuring that the government cannot deprive individuals of their life, liberty, or property without fair procedures.

> *"These fines, at least in this scenario, seem particularly personal, harmful, and unfair, and the process feels inhumane in its execution. The amount does not feel realistic in relation to the underlying case history, and the short turnaround times for appeals have made it extremely difficult to respond meaningfully or fully address the issues raised. From this perspective, the enforcement process has felt disproportionate and lacking in due process, with an impact that extends far beyond the administrative nature of the order itself."*
> – Fine Recipient's Advocate

Under 8 C.F.R. § 280, an individual who received an NIF had 30 days to reply with a written defense to challenge the imposition of a fine and to request an interview. This period could be extended by an additional 30 days for good cause shown.[66] A noncitizen could present any evidence in opposition to the fine during the interview.[67] In those thirty days, an individual would have to try to decipher the NIF, which contained legal jargon; find supporting documents to show that they hadn't violated the law; potentially retain a lawyer or accredited representative; and prepare a response. Following a response, an immigration officer then prepared a report summarizing any information, documents, and statements provided in support of why the fine should not be imposed and issued an ultimate recommendation.[68] A deciding officer then reviewed this report and made a final determination.[69] If a fine was imposed, an individual could appeal this determination to the Board of Immigration Appeals (BIA) within 30 days of service of the decision.[70]

As it had during his first term, the second Trump Administration began issuing NIFs under the 8 C.F.R. § 280 regulatory scheme in March 2025. By June 13, 2025, **ICE had issued nearly 10,000 NIFs to noncitizens across the country.**[71]

Per the Administrative Procedure Act, certain legislative rules must undergo the notice-and-comment rulemaking process.[72] This process requires that an agency publish a general notice of the proposed rulemaking so that interested persons have the opportunity to participate in the process through the submission of written data, views, or arguments.[73] The general notice must be published at least 30 days before the rule goes into effect, unless there is an applicable exemption.[74] The agency must then review and consider these submissions and include a general statement in the final rule that addresses significant comments.[75]

On June 27, 2025, the second Trump Administration promulgated 8 C.F.R. § 281, which overrode any protections established under the prior regulatory scheme. The policy was issued as an Interim Final Rule (IFR), a mechanism that allows DHS to bypass notice-and-comment rulemaking so that new rules can go into effect immediately.[76] The administration claimed that the IFR was exempted from notice-and-comment because it "relates solely to agency procedure and practice," and was not a substantive rule.[77] Further, the administration contended that the rule involved a "foreign affairs function of the United States" which also exempted it from notice-and-comment.[78]

**THE TRUMP ADMINISTRATION'S NEW PROCEDURAL SCHEME**

| AVAILABLE PROCESS | 8 C.F.R. § 280 | 8 C.F.R. § 281 |
|---|---|---|
| Notice Requirements | Personal Service or Certified Mail | Regular Mail |
| Opportunity for Interview | Available per Request | ELIMINATED |
| Appeal Timeframe | 30 Days | 15 Days |
| Judicial Review | Appeal to the Board of Immigration Appeals | ELIMINATED |
| Opportunity to Request Mitigation | Available per Request | ELIMINATED |

The new immigration fines policy codified in 8 C.F.R. § 281 dramatically narrows the already limited procedural protections that existed before. Under this new regime, the IFR allows DHS to impose the fine as a final "decision and order" rather than as a notice of intention to fine.[79] The requirement to impose an NIF through personal service or certified mail is eliminated in favor of regular mail.[80] Individuals now have 15 business days instead of 30 calendar days to respond to a fine notice, with no possibility of an extension even with good cause.[81] The opportunity for an in-person interview is eliminated entirely on the claim that a "hearing adds no value in the context of civil monetary penalties."[82] If an individual does not appeal within the prescribed timeframe, the decision to impose a fine is final.[83] Any appeal that is submitted is reviewed by "a supervisory immigration officer who did not issue the original decision."[84] There is no further appeal available from a final decision issued by this supervisory officer, meaning that the opportunity to appeal to the BIA has also been eliminated.[85] Unlike under 8 C.F.R. § 280, noncitizens who receive fines under this new regulatory regime are prohibited from seeking mitigation under any circumstances.[86] When either the 15 business days for an appeal have elapsed or a final decision on an appeal has been rendered, a fine is validated and referred to the collections process described in subsection 2.1. **In sum, individuals are now less likely to physically receive the fines, are less likely to be able to respond in time, and, even if they can bring a challenge against a fine, no longer have access to a neutral adjudicator.** Together, these changes dramatically increase the likelihood of an erroneous determination that a fine is valid.

> *"It is mentally debilitating to be subjected to this kind of financial extortion by the government that we are supposed to trust to do the right thing. They stamped the fine and said that I have 15 days to pay all or leave the country. They mailed it in such a way that that left less than 10 days to even respond. If I would be evading and hiding from the Law, it would be one thing, but I have an approved [family petition] and currently pending an [unlawful presence waiver]. USCIS requires for me to be physically present in the US when they process the application. So how can I leave? They cornered me in an impossible situation."* – Fine Recipient

## 2.3 The Unlawful Lack of Individualized Assessment

Perhaps the most concerning feature of the new fines procedure, as illustrated by DHS's manner of imposing fines using generic, boilerplate allegations and responses provided to the attorney survey, is the government's unwillingness to undertake individualized assessments before imposing immigration fines. The INA provides that the government may only impose a fine on a noncitizen who "voluntarily fails" to depart the United States after being granted voluntary departure,[87] or who "willfully fails or refuses to" depart the United States after receiving an order of removal.[88] As President Trump is the only executive to issue fines under these sections of the INA, few courts have had the opportunity to interpret how the terms "voluntarily" or "willfully" function here. However, some courts have interpreted "willfully" in other portions of the law, with multiple concluding that a willful act is one that is deliberate and voluntary.[89] The Supreme Court has found that to establish the "willful failure" to depart by a noncitizen, the government is required to provide sufficient evidence that the individual had a "bad purpose" or a "(non-)justifiable excuse."[90] Evidence that a noncitizen was unable to depart the United States or prevented from doing so by something outside of their control also cuts against a willfulness finding.[91]

*"I never knew that I had an order of removal. I never received notice of my hearing or a copy of the judge's order. I found out about my removal order when I began preparing my application for [immigration relief] in 2018."*
- Fine Recipient

*"I was working with an attorney who was continuing the case after the final order, later found out the lawyer resigned due to fraud. At that point, I already had an established life with children in the US."*
- Fine Recipient

According to the second Trump Administration, the imposition of immigration fines turns on a straightforward determination of facts.[92] The IFR contends that the existence of a past removal order or voluntary departure order *alone* in someone's immigration record is sufficient to infer whether that person voluntarily or willfully failed to depart the country.[93] Further, the rule conceives that there are extremely limited circumstances where a noncitizen could rebut this inference of voluntariness or willfulness: "*(1) the [noncitizen] did not receive notice of the removal order because it was sent to the wrong address or the [noncitizen]'s attorney did not inform the [noncitizen] of the order; (2) the [noncitizen] was not advised of his obligation to depart or of the consequences of failing to depart; or (3) the [noncitizen] was prevented from departing because of circumstances such as hospitalization, incarceration, or because an embassy declined to issue a passport or travel documents.*"[94]

*"[She] was [a child] when she was issued the removal order, so she did what the adults instructed her to do."*
- Fine Recipient's Advocate

There are multiple strong procedural indicators that the government is issuing immigration fines without first making the individualized assessments of voluntariness or willfulness required by law, even under the narrow criteria of their interim final rule. During the first Trump Administration, the standardized NIF form included blank spaces for an immigration officer to specify the basis for the determination of willfulness or voluntariness. For example, the prior form might explain that an individual was ordered removed, was subsequently ordered to report to an ICE field office and then refused to report. Any space for individualized allegations has been eliminated in the new forms used to issue fines under the second Trump Administration. Instead, the forms consist of the alleged date of the removal or voluntary departure order and a series of conclusory statements that an immigration officer can check off, without a section to explain the basis for concluding that any failure to depart was willful or voluntary.[95]

In August 2025, the government began issuing fines using a revised Form I-79–later retitled a "Form 281: Notice of Violation and Order (NVO)," rather than the original NIF form. But these forms still lack any kind of individualization and continue to use checkboxes in place of the statutorily mandated legal assessment.[96] Based on this form alone, which the government claims is the only notice required to impose a fine under their IFR, a noncitizen has no way to determine what facts, documents, or arguments have been considered in their case.

☒ **Section 274D**

☒ On [redacted], an order of removal, for which you are subject, was made final.

☒ You -

☒ willfully failed or refused to depart from the United States pursuant to the order.

☐ willfully failed or refused to make timely application in good faith for travel or other documents necessary for departure.

☐ willfully failed or refused to present for removal at the time and place required by the Attorney General [or Secretary of Homeland Security].

Based on the foregoing, you are subject to a civil monetary penalty under Section 274D(a)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1324d(a)(1).

**IT IS ORDERED that:**

☒ a civil penalty be imposed upon you in the amount of: $ 1,820,352.00, pursuant to Section 274D(a)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1324d(a)(1); and Title 8 of the Code of Federal Regulations, Part 281.

*Excerpt from Notice of Violation and Order.*
*See Appendix Page 9 for complete form.*

This lack of individualization extends to the appeals process. For the purposes of this report, the team reviewed redacted appeals decisions submitted by fines recipients and their attorneys. These appeals decisions are now being issued through Form 281-A, which is like the NVO in that it consists of a series of checkboxes with no space for an individualized response to a noncitizen's arguments against the fine.[97]

Pursuant to 8 C.F.R. § 281.1(e)(2), after a review of the record, including your appeal and evidence in connection, the following findings are entered:

☐ The Notice of Violation is **REVERSED**. Therefore, the Order imposing a civil penalty upon you is **CANCELLED**.

▣ The Notice of Violation is **AFFIRMED** for the following reasons:

  ▣ You are not a citizen or national of the United States.

*Excerpt from DHS Form 281-A. See Appendix Page 13 for complete form.*

Survey data illustrates the government's failure to provide individualized assessments at every stage of the fines process, including at the appeals level. Through their attorneys, fine recipients responding to our survey had challenged the imposition of fines on several different legal grounds. Some argued that the government had failed to meet its burden of proof because it had not established, through any evidentiary or legal basis, that the recipient had willfully or voluntarily failed to depart. Others demonstrated that they had not known about their removal order or clarified that they simply did not have a final removal order because their immigration case was pending appeal, administratively closed, or in another interim posture. Many pointed out that they had some sort of either pending relief that required them to remain in the United States or status that deferred their removal, all of which should be evident from their immigration records. Finally, many fine recipients made constitutional arguments that this imposition of a fine violated their Seventh Amendment right to a trial by jury, their Eighth Amendment right against excessive fines, and their Fifth Amendment right to due process.

**From the Attorney Survey:**
***Please briefly describe what you argued in challenging [your client's] fine.***

"**Argued that my client did not get proper notice.** She only got [a] letter from CBP that fines were imposed. She did not get any prior notice." - Fine Recipient's Attorney.

"[Argued] that there was no willful failure, as **Respondent was in full compliance with ICE requirements following removal order."** - Fine Recipient's Attorney.

**"The decision violates Respondent's constitutional rights,** including 'excessive fines' clause of 8th Amendment; right to trial by jury under 7th Amendment; due process under 5th Amendment." - Fine Recipient's Attorney.

"Lack of a removal order, improper notice, constitutional violations, no willfulness, **failure to itemize, factors to mitigate the amount of the fine."**
- Fine Recipient's Attorney.

**"The government has not met its burden of proof to show willful failure or refusal by Respondent** and DHS has not provided evidentiary or legal basis for seeking to impose fine[.]" - Fine Recipient's Attorney.

**"She did not willfully [fail] to depart. Her removal proceedings are [administratively closed].** She does not have a removal order." - Fine Recipient's Attorney.

"My client's order of removal had been vacated and her case had been reopened, **so I argued that she was not subject to the fine as a matter of statutory interpretation** — there must be an order of removal currently in effect for the statute to apply."
- Fine Recipient's Attorney.

Despite the wide range of challenges, **every survey respondent who received a final decision affirming their fine reported that the government did not address any of the arguments they made in their appeal.** Their fines were determined final and forwarded to collection agencies without adequate reason or explanation.

## 2.4 The True Story of "Willfulness"

The failure to conduct an individualized assessment outlined above aligns with the vision of fine recipients narrated by the Trump Administration. Statements issued by the administration, without evidence, cast individuals receiving immigration fines as people who "simply ignore removal orders or voluntary departure orders," who "pose a threat to public safety and border security," and have willfully or voluntarily failed to depart the U.S.[98] DHS frames immigration fines as a justified consequence of malicious behavior, stating that their "message is clear: Illegal aliens in the country illegally should leave now or face consequences."[99]

By contrast, the survey data tells the real story about the individuals receiving these fines—a different story than that narrated by the federal government. The real story significantly contradicts the government's interpretation of the "voluntariness" or "willfulness" requirement under Sections 240B and 274D and sheds new light on the nature of fine recipients' choice to remain in the United States.

Of those with removal orders whose attorneys responded to questions related to current or pending status (110 respondents), **71% of individuals either have some form of immigration status or protection against removal or are pursuing immigration status or protection against removal.** And of those with voluntary departure orders whose attorneys responded to questions related to current or pending status (28 respondents), **82% either have some form of immigration status or protection against removal or are pursuing immigration status or protection against removal.**

## 2.5 Who is the Government Really Fining?

All survey respondents report that their clients received at least an NIF or a decision imposing an immigration fine under Sections 240B or 274D. **Of the 143 respondents to the survey: 117 reported their client having received a final order of removal; 30 reported their client having a voluntary departure order; 20 reported their client having received both; and 16 reported their client having received neither** (meaning the client received a fine despite never having received a final removal order or voluntary departure order).

### *Many Fine Recipients Have Long-Standing Ties to the United States.*

The survey asked respondents on what date fine recipients received their final removal or voluntary departure order.

Of those who have received final removal orders, nearly 20% have lived in the United States for at least two decades since receiving their removal order, and over half (57%) have been here for at least a decade. The average survey respondent with a final order of removal received their order between ten to fifteen years ago.

Even more striking insights follow for those with voluntary departure orders. 40% have been here for at least two decades since receiving their voluntary departure order, and 88% of respondents have been here for at least a decade since receiving their voluntary departure order.

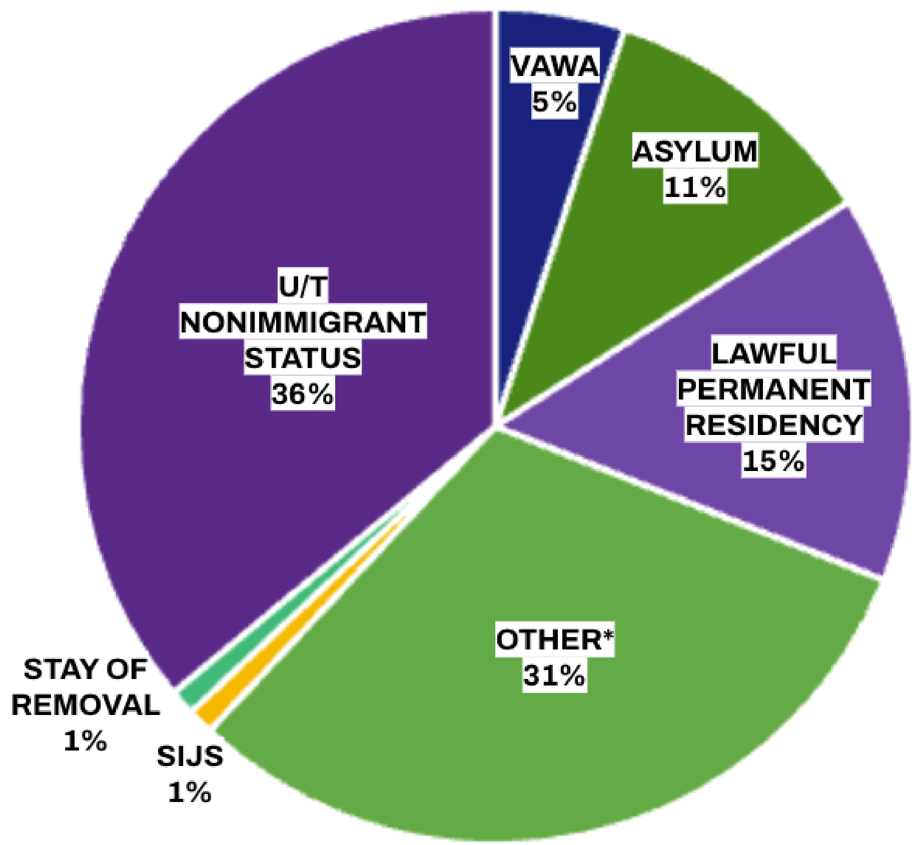
### *Fine Recipients Are Here with the Government's Knowledge and/or Consent.*

The survey asked attorneys a variety of questions regarding the nature of their clients' residence in the United States. The results show that altogether, **all but one survey respondent** indicated at least one channel through which the government was aware of the fine recipient's presence in the United States and in many cases apparently consented to the fine recipient's continued presence in the United States.

A significant portion of survey respondents' clients already have lawful status; specifically, 29% of individuals with a past removal order and 28% of respondents with a past voluntary departure order now have lawful status. Furthermore, out of all 143 respondents to the survey, 72% of the clients of attorneys who responded to the survey have applied for, and currently have pending, some sort of immigration relief or protection from deportation after receiving a removal order or voluntary departure order. As explained in greater detail below, among the most harmful consequences of the administration's immigration fines policy is the decision that many fine recipients now face: abandon a path that would allow them to remain with their loved ones and community or risk financial ruin.

Survey respondents are pursuing many kinds of potential immigration relief. Below is a chart reflecting the various forms of relief these community members are seeking, out of the 104 respondents who indicated they were pursuing some form of relief.

# FORMS OF RELIEF PURSUED




** Other here includes: respondents whose clients have appealed administratively entered removal orders to a federal court of appeals; applied for other kinds of relief, like special family-based petitions, cancellation of removal, CAT relief, or some other specialized visa status; have pending motions to reopen, reconsider, or terminate administrative proceedings; or are in complicated procedural postures in their immigration proceedings.*

This data includes respondents with removal orders, with voluntary departure orders, and with neither. Notable is the high volume of respondents who are seeking U- or T- nonimmigrant status, lawful permanent residence, or another form of relief more specific to their facts—such as an appeal in combination with another form of relief, like a family-based petition or adjustment of status.

> *"I consulted attorneys and filed several times for various appeals and other relief options that were available... Even currently, [I'm] going through the process for my I601A application, and based on estimates probably a couple of months away from USCIS processing it."*
> - Fine Recipient

Of the survey respondents who reported whether their clients had an order of supervision (138 respondents), 16.7% (a sixth) of fine recipients are present in the United States under an Order of Supervision (OSUP), a monitoring agreement issued by the government which allows a noncitizen to live and work in the community. Additionally, of the survey respondents who reported whether or not their clients had employment authorization or applied for and are pending employment authorization (135 respondents), over half (51.8%) of fine recipients either have employment authorization or have applied and are pending employment authorization, which is a benefit granted by the federal government. An application for employment authorization requires that a noncitizen directly notify USCIS, through their application, of a variety of core demographic information, including their address.

Many of the forms of relief being pursued provide a path to permanent residency and, ultimately, citizenship. In addition, almost all of them require that an individual be in the United States to receive the full immigration benefit for which they are applying or have already been granted. Several of the attorneys surveyed reported that they have at least one client who is considering abandoning their immigration application after receiving a fine. As illustrated below, multiple fine recipient respondents are grappling with this same dilemma.

Overall, this data makes clear that the incentive structure behind the fines misconstrues a key design attribute of how the immigration system works: many noncitizens may properly pursue immigration relief following issuance of an order of removal, and many are doing or have done so, with a significant portion of fine recipients having actually received lawful residence within the United States, in accordance with regulation and law, and with the government's knowledge and consent.

## 2.6 The Impact of Being Denied Due Process

The Supreme Court has long recognized that "[d]ue process of law is the primary and indispensable foundation of individual freedom."[100] In direct defiance of this principle, the Trump Administration's new fines regime and its inherent procedural violations intentionally undermine immigrants' due process rights. Although the government issued thousands of fines under the initial 8 C.F.R. § 280 regulatory scheme, all fines imposed on or after June 27, 2025 are governed by the extraordinarily limited new procedure under 8 C.F.R. § 281 described above. Noncitizens who receive these fines are often subject to collection actions that could deprive them of their savings, income, tax returns, and other assets, as well as the opportunity to meaningfully pursue their paths to immigration relief. Now, they are being deprived of these protected interests without adequate notice or opportunity to be heard to which they are entitled.

> *"I adhere to following the laws of civil authorities including working and paying both Federal and State taxes. Any efforts to enforce a Notice of Removal from the country and my family and to require a Civil penalty in the amount of $1,820,352.00 is not in the interest of justice."*
> - Fine Recipient

Of course, the new fines regime is part of the second Trump Administration's much larger and well-documented attack on the due process rights of immigrants across the country.[101] Since January 2025, the administration has transformed the U.S. immigration system into a tool of fear and exclusion through a systematic dismantling of due process.[102] Immigrants have been subject to courthouse arrests after immigration court hearings, a near total denial of bond while in detention, and lack of adequate notice and opportunity to respond before being deported, even to third countries to which they have no ties.[103] As captured in the next Sections, these kinds of particularized denials of due process have tremendous consequences on individual noncitizens and their families. At the same time, the denial of due process to one person builds upon itself until the exceptions swallow the rule. The Trump Administration's unlawful imposition of immigration fines is yet another expansion in its effort to erode due process rights for all.

# 3. THE TRUMP ADMINISTRATION'S ENFORCEMENT METHODS AND THE RESULTING ECONOMIC INSECURITY

Immigration fines are not only a means of terrorizing immigrants into self-deportation: they are also a tool of government extraction of wealth from the poor. The Trump Administration's use of the 240B and 274D fines is embedded within a broader federal strategy involving the criminalization of poverty.

Since early 2025, DHS has produced tens of thousands of fine assessments, with cumulative penalties amounting to over $36 billion dollars, and a growing docket of federal collection suits.[104] Many of these suits and many more assessments seek awards from their recipients, some individually higher than $2.3 million, all levied against immigrants and their families with no apparent capacity to pay.[105] Immigrants who choose to remain in the United States must endure the economic toll of outstanding fines, repeated assessments and communications from the Federal Government, shocking notices and calls from third-party debt collectors, or service of collections lawsuits filed in federal court.[106] The involvement of the IRS, the Department of the Treasury, and these other more unusual ligaments of the administrative state in the imposition of these civil fines represent the Trump Administration's new all-of-government approach to immigrant enforcement and the punishment of poor communities.[107]

This section will provide more detail about the economic impact of these fines on fine recipients. It will also connect the use of fines to the Trump Administration's broader approach to economic policy and poverty and its connection to the Administration's agenda on immigration enforcement.

## 3.1 Punishing the Poor through Fees and Fines

Insofar as it has been enabled by Congress to do so by law, the federal government can generate revenue in a few ways, including: collecting various taxes, borrowing money, selling government bonds, and issuing currency.[108] Civil penalties ostensibly serve some other primary purpose, like coercing noncitizens to leave the country (as with the fines assessed under INA §§ 240B and 274D), but the funds accrued from penalties are also treated as government revenue.[109]

Penalties introduce a perverse incentive structure for the government. For example, immigration fines imposed under Sections 240B and 274D are deposited into the "Immigration Enforcement Account," a separate account created by the INA in the general fund of the Treasury.[110] Per regulation, the Immigration Enforcement Account may be used "to support DHS activities that enhance immigration law enforcement, such as identifying, investigating, detaining and removing [noncitizens] . . . ."[111] As a result, the fines imposed on immigrants for pursuing lawful pathways beyond their removal order are used to directly finance the police force mobilized to remove those immigrants.[112]

*"This fine would garnish all my future wages, leaving me without a home I feel safe in and unable to afford to live[.]"*
– Fine Recipient

These fines and the cruel contradiction underlying their imposition emerge from a longstanding playbook in civil and criminal legal systems where the government uses fines, fees, and debt to punish people for being poor and treat vulnerable communities as a revenue source to exploit.[113] The extent to which financial penalties are used to punish poor people can be seen most starkly in the criminal legal context, where local, state, and federal governments mobilize fines arising from an arrest, a misdemeanor, or even a traffic ticket to trap people in a cycle of social and economic loss, debt, and legal consequences.[114]

*"He is approaching retirement and has spent decades working, paying taxes, and building savings and assets with the expectation that he would be able to support himself and his family in later life. Since receiving the fines, he now lives with ongoing fear that his retirement security, home, and financial stability could be taken away."*
– Fine Recipient's Family Member

Debt especially becomes a point of economic leverage—an unpaid fine turns into a collection lawsuit, enabling the government to garnish someone's wages, take the few assets someone possesses (like a car that is necessary for daily living), or divest someone of the tax return they are owed by law.[115] Additionally, the government can try to seize wages and tax refunds through a non-judicial process called "administrative offset." That means, even when someone is incapable of paying the fine as assessed, the government can use debt collection as leverage to extract whatever livelihood a person may have and continue to subsidize their own law enforcement capacity.[116] Debt and poor credit can also be a significant barrier to important, and sometimes even necessary, aspects of daily life—defaulting on a fine or having an ongoing collections suit on someone's credit report can mean reconsideration of a loan on a car, home, or small business, or denial of access to social services for those who later obtain immigration status but are still saddled with debt.[117] In the criminal legal space, fines, fees, and debt are often a driver of recidivism and (re)incarceration.[118]

> *"I won't be able to afford the fine because I am the only one who works in my household[.] My daughter depends on me, and I do not make enough to pay the fine."*
> – Fine Recipient

The Trump Administration has used every tool at its disposal to punish the poor, including those in immigrant communities. The "One Big Beautiful Bill Act" (OBBBA) introduced increases not only to immigration fines imposed under Sections 240B and 274D, but dramatic increases to processing fees for various forms of humanitarian relief by law, such as asylum.[119] And just as DHS has turned to private debt collectors to enforce debts from immigration fines, so too has the Trump Administration turned to profit-motivated partners to manage and enforce other portions of the Trump immigration agenda.[120] Around 86% of detained immigrants are held in privately operated facilities under contractual arrangements with ICE.[121] Profits for private prison corporations like GEOGroup and CoreCIVIC have significantly increased just in the past year: GEOGroup's profits jumped from $32 million in 2024 to $254 million in 2025; CoreCIVIC's profits grew from $68.9 million to $116.5 million.[122] Meanwhile, immigration detention facilities have been coercing thousands of immigrant detainees to work for $1 a day to maintain those facilities through "Voluntary Work Programs."[123]

> *"I earn $25,000 a year at my job. It is impossible for me to pay a fine of $1,820,352."*
> – Fine Recipient

The Administration's exploitation of poor immigrants is one instance of a larger economic and domestic policy agenda of wealth extraction. While the OBBBA and other new laws ushered in trillions of dollars in tax cuts while raising taxes on the poorest 40% of Americans,[124] the Administration has also cut food assistance and Medicaid benefits;[125] allowed the expiration of certain portions of the Affordable Care Act (leading to a rise in insurance costs);[126] implemented new restrictions on student borrowing;[127] and threatened or executed tariffs which drastically raised the prices of everyday goods.[128] Meanwhile, the administration of fines like the 240B and 274D fines allow the government to trap poor people in poverty and subsidize harmful government programs.

Therefore, these fines are best understood not only as an instrument of intimidation to further enact the Trump Administration's all-of-government deportation agenda, but also as another instance of its overall policy approach to working people in the United States.

## 3.2 The Trump Administration's Collection Threats

As referenced in Section 2.1, DHS is required by law to refer validated immigration fines to the Department of the Treasury, which may take several actions to collect an outstanding balance.[129] These enforcement methods include:

- Reducing any eligible Federal and State payments due to the fine recipient.
- Referring the debt(s) to a private collection agency.
- Referring the debt(s) to the U.S. Department of Justice to initiate litigation.
- Reporting the indebtedness to national credit bureaus.
- Reporting the debt(s) to the IRS as potential income.

DHS need not wait for 180 days to refer fines to the Treasury for collection.[130] In fact, DHS has begun bypassing the Treasury entirely by entering contracts with at least four third party (private) collections services and referring immigration fines directly to those services for collection.[131]

The Trump Administration has followed through on its collection threats. As of May 18, 2026, the Department of Justice has filed over 50 lawsuits against noncitizens who have received an immigration fine.[132] If successful against these individuals, the government could garnish their wages, place a lien on their property, or even freeze the funds in their bank account. Additionally, under law and regulation, the federal government may garnish individuals' wages through an *administrative* wage garnishment, without the need to first obtain a judgment in a federal collections suit.[133]

More recently, the administration has employed the Treasury Offset Program (TOP) to withhold tax refunds. The refund withheld could be to the individual alone, or even to a U.S. citizen, if the relevant noncitizen filed their taxes jointly with a fine recipient. The TOP collects on debts owed by private entities to the federal government by withholding money from a federal payment to the debtor.[134] In practice, the administration has employed the TOP to keep tax returns without going through the process of a formal collection suit.

## 3.3 Many Recipients are Low-Income and None Could Ever Pay the Fine

The survey asked attorneys about their clients' economic and personal history. For the purposes of this report, the team was interested in understanding not only the extent to which fine recipients could pay the fines, but the characteristics of the individuals and families impacted by the imposition of the fines.

> *"My fine is almost 2 million dollars. I've never seen that much money in my entire life. Even if I sold the skin off my back, I would never be able to pay this kind of money."*
> – Fine Recipient

Not all attorneys were able to answer every question in this category. 135 respondents indicated whether or not their client had employment authorization. 42% of those respondents reported that their client has employment authorization right now. 131 respondents indicated whether or not their client had an application pending for employment authorization. 19% of those respondents reported that their client has an application for employment authorization pending. Altogether, as mentioned before, 51.8% of respondents indicated their client either has employment authorization or has applied and are pending employment authorization.

110 respondents provided a definite answer to a question about whether their clients were currently working. Of these 110, at least 85% of respondents report that their client is currently working.

101 respondents provided a definite answer to a question about whether or not their clients pay taxes. Of these, 96% of respondents report their client regularly pays taxes.

> *"Owing a debt of more than I will ever earn in my lifetime is very distressing[.] The debt hanging over our head has placed a deep pall over our family[.]"*
> – Fine Recipient

95 respondents indicated their clients' household size. The average household size of those who responded was at least 3 people, with 27% of respondents reporting that clients lived in household sizes of 4 people. For those who reported both household size and yearly income (58 respondents total), 52% of client families live under the federal poverty line. Finally, every respondent indicated that their client would never be able to pay in full the fine they received.

# 4. THE DEVASTATING CONSEQUENCES OF IMMIGRATION FINES

As of July 2026, the Trump Administration had issued at least 103,000 immigration fines totalling over $84 billion.[135] Behind these numbers are real people who have had their lives upended by sudden, crushing debt. These individuals also have families, loved ones, and communities that depend on them in countless ways.

Sections 1-3 of this report detailed how President Trump has used immigration fines in his previous and current administrations, how fines are being imposed, and how they are being enforced. This section turns to the human impact of immigration fines, both on fine recipients themselves and on their loved ones. By targeting noncitizens who have removal or voluntary departure orders, the administration has singled out a population that is especially vulnerable to the threat of deportation. For this reason, many fine recipients feel they cannot openly speak out against the new fine regime without inviting significant political retaliation. Below is an outline of the impact of immigration fines, but also the words of real fine recipients whom the administration has forced into impossible choices.

## 4.1 What Fine Recipients and their Loved Ones are Experiencing

The potential economic and legal impacts of an immigration fine may be clear from the second Trump Administration's stated policies, but its emotional impact is unique to every recipient, their loved ones, and their community. President Trump has been clear that mass deportations are a central goal of his second administration, and the administration has moved to expand the U.S. deportation system to unprecedented levels. To carry out its goals, the administration is creating a culture of intense fear and repression meant to coerce all noncitizens to "self-deport" because they can see no dignified future in the United States. Immigration fines, as shown in earlier sections, are part of a larger wave of cruel policies designed to maximize this sense of despair.

Survey results demonstrate that in this regard, and perhaps only in this regard, the new fines scheme has been remarkably successful. Fine recipients report experiencing significant distress as a result of the new debt. Many respondents shared that they now feel stressed, nervous, depressed, anxious, afraid, and hopeless. Some mention that the receipt of an immigration fine has worsened their pre-existing physical and mental health conditions. Still others are experiencing new physical symptoms related to fine-induced stress, including difficulty eating or sleeping, crying, a lack of focus, and an inability to enjoy daily life now that this debt is hanging over their heads.

Respondents also say that the emotional impact of their immigration fine extends to their loved ones, especially to immediate family members like parents, siblings, partners, or children. Almost all respondents shared that their fine has caused their families significant pain and anxiety. Loved ones of fine recipients feel stressed, worried, sad, and afraid. Some say that these emotions have resulted in physical symptoms, with one recipient sharing that their spouse has experienced several panic attacks after learning about the fine.

Fine recipients spoke about the unique circumstances that led each of them to arrive and stay in the United States. There was, however, universal agreement as to why it felt impossible to leave: **each of them had built a life here**. As mentioned in Section 2, almost two-thirds of survey respondents have lived in the United States for more than a decade and nearly a quarter for over two decades. Many shared that they had lived in the United States longer than they lived in their country of origin. Fine recipients have established families, communities, careers, businesses, and homes. Almost all mentioned that their fine has upended their hopes and goals for the future, including plans for marriage, their children's education, caretaking of sick or elderly relatives, retirement plans, and more. Many come from mixed-status families that are now facing the possibility of potentially permanent separation. As is clear from the survey results, the emotional consequences of immigration fines are devastating for all involved.

**In their own words:**
***Why do you think the government is issuing these fines?***

"**To coerce individuals to give up their challenges** to their removal orders and self-deport[.]" - Fine Recipient.

"**They do this to scare people.** They want to make them nervous so that if someone has a chance to stay legally in the U.S., they make a mistake out of fear and leave the country themselves." - Fine Recipient.

"[She] believes the government is issuing these fines because they need money. **They are looking at how they can profit off of immigrants**, and this is their easiest way to do so." - Fine Recipient's Advocate.

"In my opinion, it's something very wrong that they're doing. Because it's such a big quantity of money, and a person like me would never be able to pay it. **So it seems like they issued a fine so large I wouldn't be able to pay it, so that I would run into additional problems as a result.** And in fact that is exactly what happened." - Fine Recipient.

"**[I] think the government is intimidating families**[.]" - Fine Recipient.

"**Financial shakedown**[.]" - Fine Recipient.

"**I believe these fines are in accordance with a broader immigration enforcement crackdown** and increased funding and enforcement activity within DHS." - Fine Recipient.

"The government wants **all** immigrants to be afraid in this country and **to self-deport.**" - Fine Recipient.

"**I believe that the government is issuing these fines because it is racist** and it does not want Hispanic people in the United States. With every notice I've received about the fine, I have also received a flyer explaining to me how I can leave the US on my own. In the latest letter it sent me, the government also mentioned that if I leave the US voluntarily within 10 days, I might be eligible to have my $1,820,352 debt cancelled. I feel like the government is fining me to force me to leave the US." - Fine Recipient.

"This is totally unfair. I received a fine of $1,321,352.00. I [could] never even imagine to earn this huge amount in my full life or even in my next generation so **it's unreal and abusive to me and [to] my working class people.**" - Fine Recipient.

**In their own words :**
***How has the fine impacted your life and your plans for the future?***

**“I have not been able to properly eat or sleep crying for uncertainty of [the] future[.]** Everyday I am under tremendous stress[.]**”** - Fine Recipient

“Very much[.] My children are in school, and **I am always afraid that [the government] might come looking for me at my house or that they might separate us[.]** I have a son with health problems, and this has affected him because he was focused on his studies and he suffers from high blood pressure and now it’s difficult for him to stay relaxed.” - Fine recipient.

“The fine has impacted my life in a bad way, **I am nervous and my depression has gone out of control.** I am scared of [losing] my work permit, or my belongings, and not being able to work and provide for me and my daughter.” - Fine Recipient

**“We are terrified that ICE knows our residence.** We were in the process of addressing permanent residency when we learned of an order of deportation from more than a decade ago that I had not been notified of.” - Fine recipient.

“The threat of them taking [everything] we have or [separating] us causes us to be basically paralyzed mentally. Constant crying and sadness by one or another member of our family. **This is very unjust and unnecessarily cruel.”**
- Fine Recipient.

“He is approaching retirement and has spent decades working, paying taxes, and building savings and assets with the expectation that he would be able to support himself and his family in later life. **Since receiving the fines, he now lives with ongoing fear that his retirement security, home, and financial stability could be taken away.”** - Fine Recipient’s Advocate

“Life is hard enough as it is getting my finances, and mental health back on track after rough years. **This has added an unbearable amount of stress, and dread over my well being.”** - Fine Recipient

“Owing a debt of **more than I will ever earn in my lifetime** is very distressing.”
- Fine Recipient

“[She] currently feels overwhelmed, nervous, and fearful because she knows she will not be able to ever pay [off] the fine. **She has built her life here in the US and is unsure of how to proceed financially.** She worries for the impacts this could bring on her children and family as a whole.” - Fine Recipient’s Advocate.

**In their own words:**
***How has the fine affected your loved ones and your community, including the family you may live with or support?***

“They sense my anxiety and sadness and it’s affecting them[.] I’m [a] stage 4 cancer survivor and my husband is fighting stage 4 prostate cancer[.] **This fine has made my life so hard sometimes I can’t breath[e.]”** - Fine Recipient.

“Me and my daughter are **scared of not being able to stay in the United States and [losing] our life here.**” - Fine Recipient.

My husband is a legally handicapped [man] who is dependent upon me for health care and living assistance as he is recovering from a recent heart attack in 2025 and a hip replacement in 2024. My sister was murdered in the border town of [my country of origin] where I grew up. **We do not think he could handle a return to that area and we fear for both of our physical safety if I am deported.** In a state of joint community property laws we are afraid neither of us could financially survive should collection of these fees begin. - Fine Recipient.

“It is extremely taxing emotionally. **Everybody is [in] constant fear and constant confusion about what the future holds.** We go out to eat as a family and look at each other that is this the last time that we can eat like this or what is going to happen tomorrow.” - Fine recipient.

“The fines have hit his entire family very personally. We are extremely close and depend on each other in everyday life.... **He is the center of the family’s stability. The thought of losing him has been deeply painful for all of us**, with a constant sense that our entire support system could fall apart.”
- Fine Recipient’s Family Member.

“This fine letter [has] affected me and my friends[,] who are also very concerned about me and my family. They even think how they can support me but we all are from the working class, **we earn as much as we can just survive so they are very helpless and upset.”** - Fine Recipient.

“My 19 year old daughter knows about the fine and is very worried about me and what is going to happen. **I haven't told my 10 year old son yet because I don't want it to stress him or have an impact on his studies.** My partner, the father of my son, is also very upset and worried about us being separated.”
- Fine Recipient

**“I feel stress, depression, fear, lack of focus, discouragement.
We don't know what to do.
I wouldn't wish what we're going through on anyone[.]”**
- Fine recipient.

# REFERENCES

[1] *See* Protecting the American People Against Invasion, Exec. Order 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025).

[2] *Id.*

[3] *Id.*

[4] *See* Ted Hesson & Kristina Cook, *Trump Plans to Fine Migrants $998 a Day For Failing to Leave After Deportation Order*, Reuters (Apr. 8, 2025), https://www.reuters.com/world/us/trump-plans-fine-migrants-998-day-failing-leave-after-deportation-order-2025-04-08 [https://perma.cc/3PVH-PYXQ].

[5] *Id.*

[6] *See Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations*, 90 Fed. Reg. 27439, 27442 (June 27, 2025) (to be codified at 8 C.F.R. pt. 281) [hereinafter "IFR"].

[7] *See* Andrew Kreighbaum & Eric Heisig, *Trump is Taking Immigrants to Court, Seeking Millions in Fines,* Bloomberg Law (May 18, 2026, 05:05 AM EDT), https://news.bloomberglaw.com/daily-labor-report/trump-is-taking-immigrants-to-court-seeking-millions-in-fines [https://perma.cc/ECC9-EHBE]

[8] *See* IFR, supra note 6, at 27446.

[9] *See* Kreighbaum & Heisig, supra note 7.

[10] *Id.*

[11] *See DHS Announces It Will Forgive Failure to Depart Fines for Illegal Aliens who Self-Deport Through the CBP Home App*, U.S. Department of Homeland Security (Jun. 9, 2025), https://www.dhs.gov/news/2025/06/09/dhs-announces-it-will-forgive-failure-depart-fines-illegal-aliens-who-self-deport.

[12] New York University School of Law is listed for identification purposes only. The views expressed in this report do not necessarily represent the views of the university.

[13] *See* supra note 12.

[14] Pub. L. No. 104-208, 110 Stat. 3009 (codified as amended in scattered sections of 8 U.S.C.).

[15] *See generally* Nancy Morawetz, *Understanding the Impact of the 1996 Deportation Laws and the Limited Scope of Proposed Reforms*, 113 Harv. L. Rev. 1936 (2000) (describing the consequences of the IIRIRA and the Anti-Terrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214 (codified as amended in scattered sections of 8, 18, and 28 U.S.C.) on immigrant communities); Donald Kerwin, *From IIRIRA to Trump: Connecting the Dots to the Current US Immigration Policy Crisis*, 6 J. on Migration and Hum. Sec. 192 (2018) [https://doi.org/10.1177/2331502418786718]; Emily Ryo, Jennifer M. Chacón & Cecilia Menjivar, *Criminalization of Immigration*, 11 The Russell Sage Foundation J. of the Soc. Scis. 282 (2025) [https://doi.org/10.7758/RSF.2025.11.3.07].

[16] *See Heikkinen v. United States*, 355 U.S. 273, 279 (1958)

[17] *See* Glossary, *supra* at 2 for definitions

[18] 8 U.S.C. § 1229a(d).

[19] 8 C.F.R. § 1241.1.

[20] INA § 240B.

[21] INA § 240B(d)(1).

[22] INA § 274D(a).

[23] *See* Federal Civil Penalties Inflation Adjustment Act Improvements Act, Public Law 114-75, section 701, 129 Stat. 599 (enacted on Nov. 2, 2015); 8 U.S.C. § 1324d, 90 Fed. Reg. 1 (Jan 2, 2025).

[24] 28 U.S.C. § 2462.

[25] 8 U.S.C. § 1101(a)(15)(T)(i)(II); 8 C.F.R. § 214.204(b)(2).

[26] *See* Hesson & Cook, supra note 4.

[27] *See* Enhancing Public Safety in the Interior of the United States, Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 15, 2017).

[28] *Id.* at 8799 (emphasis added).

[29] *Id.* at 8800.

[30] *Id.*

[31] While the exact record of these memos is not available to the public, we know that these memos fostered the imposition of civil immigration fines. ICE Delegation No. 01-2018, Delegation of Authority to Administer and Enforce Provisions Relating to Civil Penalties for Failure to Depart; ICE Delegation No. 006-2020, Delegation of Authority to Administer Certain Provisions Relating to Civil Penalties for Failure to Depart.

[32] *See* Compl. ¶ 42, *Maria L. v. Mullin*, Case No. 1:25-cv-13471-GAO, (D. Mass. 11/20/2025) [hereinafter "*Maria L.* Compl."].

[33] 8 C.F.R. § 280 has a longer history than INA §§ 240B and 274D because that regulation prescribes the procedure for the imposition of all fines under the INA, including those assessed for vessels or aircrafts found in violation of INA provisions against trafficking noncitizens. *See* 8 U.S.C. §§ 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283-1286, 1322, 1323, 1330; *see* 8 C.F.R. §§ 280.2–.4, .21, .53(b)(1)–(2), (4)–(11) (speaking directly to penalties for unauthorized

vessels, aircraft, stowaways, and crewmen).

[34] *See ICE Civil Fines Pilot Project Update*, ICE (May 20, 2020), available as Exhibit E to ECF No. 20-3 in *Maria L. v. Mullin*, Case No. 1:25-cv-13471-GAO (D. Mass.).

[35] *See Maria L.* Compl. ¶ 44, supra note 31.

[36] *See* IFR, supra note 6.

[37] *See Maria L.* Compl. ¶ 46, supra note 31.

[38] *Id.*

[39] *See, e.g.*, Nicole Narea, *ICE Tried To Fine Immigrants Living In Sanctuary Churches. Now, It's Backing Down.* (Oct. 23, 2019), https://www.vox.com/policy-and-politics/2019/10/23/20928519/ice-fines-immigrants-sanctuary-churches-deportation-trump [https://perma.cc/ZG5V-GCCC].

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[43] *See* Revision of Civil Immigration Enforcement Policies and Priorities, Executive Order 13993, 86 Fed. Reg. 7051 (Jan. 20, 2021); *see also* Memorandum for Tae D. Johnson, Acting Dir., ICE, from Corey A. Price, Acting Exec. Assoc. Dir., Enforcement and Removal Operations, ICE, Re: Recission of Civil Penalties for Failure to Depart (Aug. 6, 2021).

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[45] *See* Joel Rose, *Four Immigrants Who Sought Sanctuary in Churches No Longer Face Deportation*, NPR, https://www.npr.org/2023/06/21/1183528143/four-immigrants-who-sought-sanctuary-in-churches-no-longer-face-deportation-fine.

[46] *See* Exec. Order 14159, supra note 1.

[47] *Id.* at 8443.

[48] *Id.* at 8444–45.

[49] *See Maria L.* Compl. ¶¶ 53-55, supra note 31.

[50] *See* IFR, supra note 6, at 27442.

[51] Notice and comment procedure is, in most cases, a prerequisite to the promulgation of a binding regulation under the Administrative Procedure Act. *See* 5 U.S.C. § 553. The agency argued three rationales for why it was permitted to issue the interim final rule without following notice and comment: the rule is a procedural and not substantive change, which falls under an exception within the APA, *see* 5 U.S.C. § 553(d); the rule involves a foreign affairs function, another exception under the APA, *see* 5 U.S.C. §§ 553(a)(1) and 553(d); and even though DHS did not invoke it, the issuance of the rule meets the "good cause" exception under the APA, 5 U.S.C. § 553(b)(A). *See* IFR, 90 Fed. Reg. at 27456.

[52] *See* IFR, supra note 6, at 27444 (first quote); *id.* at 27442 (second quote).

[53] *See* Jerod MacDonald-Evoy, *'I Can't Even Sleep': Arizona Immigrant Hit with $1.8M Fine for Staying in US*, AZ Mirror (May 5, 2026), https://azmirror.com/2026/05/05/i-cant-even-sleep-arizona-immigrant-hit-with-1-8m-fine-for-staying-in-us/.

[54] *See* supra note 12.

[55] 8 C.F.R. §§ 280.1, 280.11.

[56] 8 C.F.R. § 280.11.

[57] *Id.*

[58] *Id.*

[59] *See* Sample CBP Collections Notice.

[60] *Id.*

[61] *Id.*

[62] *Id.*

[63] *See* Sample CBP Home Flyer.

[64] *See Zadvydas v. Davis*, 533 U.S. 678, 693-694 (2001); *see also Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

[65] *See e.g.*, *Mathews v. Eldridge*, 424 U.S. 319, 332-333 (1976).

[66] 8 C.F.R. § 280.12–.13.

[67] 8 C.F.R. § 280.12.

[68] 8 C.F.R. § 280.13(b).

[69] *Id.*

[70] 8 C.F.R. § 1003.3(a)(2).

[71] *See* IFR, supra note 6, at 27442.

[72] 5 U.S.C. § 553(b)-(c).

[73] *Id.*

[74] 5 U.S.C. § 553(d).

[75] 5 U.S.C. § 553(c); *see also Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 96 (2015); *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971).

[76] *See* 5 U.S.C. § 553(b)(B) (

[77] *See* IFR, supra note 6, at 27456; *see also Sweet v. Sheahan*, 235 F.3d 80, 91 (2d Cir. 2000) (internal quotation marks omitted) (finding that a substantive rule is one that "create[s] new law, rights, or duties, in what amounts to a legislative act").

[78] *See* IFR, supra note 6, at 27454; *see also* 5 U.S.C. § 553(a)(1).

[79] *See* IFR, supra note 6, at 27449.

[80] *Id.* at 27444.

[81] *Id.* at 27450.

[82] *Id.* at 27444.

[83] *Id.* at 27450.

[84] *Id.* at 27458.

[85] *Id.* at 27444.

[86] *Id.* at 27448.

[87] 8 U.S.C. § 1229c(d)(1)(A).

[88] 8 U.S.C. § 1324d(a)(1).

[89] *See Espinoza-Espinoza v. Immigration & Naturalization Serv.*, 554 F.2d 921, 925 (9th Cir. 1977); *United States v. Arango*, 670 F.3d 988, 995 (9th Cir. 2012); *Forbes v. I.N.S.*, 48 F.3d 439, 442 (9th Cir. 1995); *Wen Zhong Li v. Lynch*, 837 F.3d 127, 131 (1st Cir. 2016).

[90] *See Heikkinen*, 355 U.S. at 279.

[91] *Id.* at 276.

[92] *See* IFR, supra note 6, at 27442-27443 ("Moreover, the [noncitizen]'s immigration court records will typically demonstrate that the [noncitizen] was aware of the obligation to depart the United States and, when combined with the [noncitizen]'s failure to do so, will ordinarily raise a sufficient inference that the [noncitizen] willfully or voluntarily failed to depart.").

[93] *Id.* at 27443.

[94] *Id*.

[95] *See* Declaration of Ian Head ¶¶ 16-18, *Maria L. v. Mullin*, Case No. 1:25-cv-13471-GAO, (D. Mass. 11/20/2025); *see also* Sample Notice of Intention to Fine; Sample Notice of Violation and Order.

[96] *See* Sample Notice of Violation and Order.

[97] See Sample Form 281-A.

[98] *See* IFR, supra note 6, at 27446.

[99] *See* MacDonald-Evoy, supra note 53.

[100] *See e.g.*, *In re Gault,* 387 U.S. 1 (1967).

[101] *See* "Weaponizing the System: One Year of Trump's Attacks on Due Process," Vera Institute of Justice (Jan. 20, 2026), https://www.vera.org/explainers/weaponizing-the-system-one-year-of-trumps-attacks-on-due-process; *see also Report on the Trump Administration's 2025-2026 Changes to Immigration Law*, New York City Bar (*Last Updated* July 10, 2026), https://www.nycbar.org/reports/the-trump-administrations-early-2025-changes-to-immigration-law/.

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[104] Isaías Alvarado, *A $1.8 Million Fine and 15 Days to Pay: The Unaffordable Penalties Trump Uses To Harass Migrants*, El País (May 28, 2026, 06:36 EDT) https://english.elpais.com/usa/2026-05-28/a-18-million-fine-and-15-days-to-pay-the-unaffordable-penalties-trump-uses-to-harass-migrants.html [https://perma.cc/4275-E92E]; Kreighbaum & Heisig, *supra* note 7.

[105] Cary Aspinwall, *How Government Fines of $1 Million+ Are Increasingly Targeting Immigrants*, The Marshall Project (June 20, 2026, 12:00 PM EDT), https://www.themarshallproject.org/2026/06/20/money-dhs-immigrant-fines [https://perma.cc/2L8X-M96T].

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[107] Kreighbaum & Heisig, supra note 7.

[108] *See* Mike Kaima, *Understanding the Federal Budget*, Fed. Reserve Bank of St. Louis: Page One Econ. (Nov. 3, 2025), https://www.stlouisfed.org/publications/page-one-economics/2025/nov/understanding-the-federal-budget [https://perma.cc/4SFT-ZZ8K] (breaking down the various proportions of federal government revenue and expense streams); *What is the National Debt?*, Fiscal Data at Treasury.Gov (last accessed July 10, 2026), https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/

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[110] 8 U.S.C. § 1330(b) (establishing the "Immigration Enforcement Account" and stating that fees for fines assessed under INA §§ 240B and 274D will be deposited into the Immigration Enforcement Account).

[111] *See* IFR, *supra* note 6, at 27440.

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[129] *See* 31 U.S.C. 3711(g) (stating that where a "non-tax debt or claim owed to the United States has been delinquent for a period of 180 days," the head of the relevant agency "shall transfer the debt or claim to the Secretary of the Treasury.")

[130] *See* 31 C.F.R. § 285.12(h).

[131] Aspinwall, *supra* note 105. *See* 31 U.S.C. § 3719 (providing legal authority for heads of executive agencies to contract with collections services to recover debts).

[132] *See* Kreighbaum & Heisig, supra note 7.

[133] *See* 31 U.S.C. § 3720D; 31 C.F.R. § 285.1.

[134] "What is the Treasury Offset Program?," U.S. Department of the Treasury (last updated Mar. 19, 2026), https://fiscal.treasury.gov/debt-management/treasury-offset-program-top/how-top-works [https://perma.cc/U3B5-UWGT].

[135] *See DHS Announces More Than $84 Billion in Civil Fines Issued to Illegal Aliens*, Dep't of Homeland Sec. (Jul. 23, 2026), https://www.dhs.gov/news/2026/07/23/dhs-announces-more-84-billion-civil-fines-issued-illegal-aliens.

# APPENDIX

U.S. Department of Homeland Security
U.S. Immigration & Customs Enforcement
Voluntary Departure
PO Box 19438
Springfield, IL 62794-9438

[redacted]

RETURN SERVICE REQUESTED

[redacted]

# INVOICE

**Centralized Receivables Service**

CRS INVOICE NUMBER: [redacted]
AGENCY REFERENCE: [redacted]
INVOICE DATE: [redacted]/2025

| DESCRIPTION | |
|---|---|
| Civil penalties are being imposed under the Immigration and Nationality Act due to your failure to timely depart the U.S. following a final removal order. Notwithstanding any timeframes specified in this letter, if you fail to pay the full amount on or before the deadline listed below, the Department of Justice may initiate legal proceedings against you at any time. However, you can avoid payment if you voluntarily depart the United States immediately. See Additional Notifications page. | |
| **TOTAL AMOUNT DUE ON OR BEFORE [redacted]/2025** | **$3,000.00** |

Payment in full is due now. If you have any questions concerning this invoice, contact the Centralized Receivables Service (CRS) at 1-888-576-0663. The Centralized Receivables Service is a service provided by the U.S. Department of the Treasury to Federal agencies to assist in the management of accounts receivables.

Federal agencies are generally required to assess interest, administrative costs and penalties on past due amounts. Interest accrues at the annual rate of 5% on any amount outstanding from the Invoice Date. Administrative costs include processing and handling of unpaid balances. A penalty will be assessed at the annual rate of 6% on any amount outstanding after 91 days from the Invoice Date. You can avoid assessment of any charges, if we receive payment for the above amount on or before 07/18/2025.

If you fail to pay the full amount within 60 days from the date of this invoice, the Centralized Receivable Service will refer your debt(s) to the U.S. Department of the Treasury's Cross-Servicing program for collection, at which time additional administrative costs that may exceed 32% will be added to your debt(s). Administrative costs may change in the future without notice. In addition, Treasury may take any or all of the following actions:

- Reduce any eligible Federal and State payments due to you.
- Refer your debt(s) to a private collection agency.
- Refer your debt(s) to the U.S. Department of Justice to initiate litigation.
- Report the indebtedness to national credit bureaus.
- Report your debt(s) to the IRS as potential income.

You have the right to inspect and copy records related to this invoice and request a review of the determination of the amount due. You also have the right to enter into a reasonable repayment agreement that is acceptable to the agency.

If additional rights and notifications apply to you, you will find a reference page immediately following this Invoice. Unless otherwise specified in the attached reference page, if you wish to exercise any of your rights, we must receive your request on or before 30 days from the date of this Invoice.

[redacted]

[redacted]

[redacted] 

Questions or requests to exercise any of your rights should be directed to the Centralized Receivables Service at 1-888-576-0663, or in writing at the following address:

U.S. Department of Homeland Security
U.S. Immigration & Customs Enforcement
Voluntary Departure
PO Box 19296
Springfield IL 62794-9296

Your prompt attention to this matter is appreciated.

CRS Payment Servicing Specialist
1-888-576-0663

**Please see the PAYMENT OPTIONS page.**
**Thank you for your timely payment!**



[redacted]

# ADDITIONAL NOTIFICATIONS OF YOUR RIGHTS

**Denial of Future Federal Loans and Privileges:** If your delinquent debt with the United States government is reported to a credit bureau, your credit rating could be adversely affected. In addition, delinquency is a bar to obtaining Federal loans and other privileges. Except in limited circumstances, Federal agencies and their lenders are prohibited from approving your application for Federal direct, insured, or guaranteed loans until you resolve your outstanding delinquent debt.

**Bankruptcy:** If you have filed a petition for bankruptcy and the automatic bankruptcy stay is in effect, please notify the Centralized Receivables Service so that collection efforts on your account can be terminated. Please notify us of the stay by sending a copy of your filed and approved bankruptcy petition to:

U.S. Department of Homeland Security
U.S. Immigration & Customs Enforcement
Voluntary Departure
PO Box 19296
Springfield IL 62794-9296

**Litigation and Other Remedies:** Notwithstanding any timeframes specified in this letter, the United States reserves its right to pursue any and all collection remedies at any time, to the extent permissible by law, including enforcement through litigation. If the Department of Justice has filed a lawsuit, the applicable rules of civil procedure will govern the rights and defenses afforded in that matter. However, you can avoid payment if you voluntarily depart the United States immediately. If you confirm your departure with U.S. Immigration and Customs Enforcement, or through the CBP Home mobile application, prior to the due date of this invoice, the government will waive the fines you have incurred.



[redacted]

[redacted]

## PAYMENT OPTIONS

**You have the following options to make full payment of the amount due:**

**Payment by Internet:** Make an on-line payment 24 hours a day/7 days a week using your checking/savings account or card at the CRS Invoice Payment Portal: https://crsportal.fiscal.treasury.gov/

CRS Invoice Number: [redacted]
Zip Code: [redacted]

[redacted]

*Contact CRS at 1-888-576-0663 if you require assistance in making payment.

**Payment by Phone:** Make a payment by calling 1-888-576-0663 between the hours of 8 AM and 8 PM Eastern Time, Monday through Friday, excluding Holidays. Please have your checking/savings account or card information available before calling.

**Contact the Centralized Receivables Service at 1-888-576-0663**
with any questions about this invoice or available payment options.



[redacted]

1125752000599

U.S. Customs and Border Protection
Indianapolis, IN 46249

For Inquiries, please contact the CBP at INACivilPenalties@cbp.dhs.gov

[redacted]

Penalty Tracking Number: [redacted]

Invoice Date: [redacted]

Amount Due: $[redacted]

Dear Sir or Madam:

A civil monetary penalty was imposed on you pursuant to Section 274D(a) of the Immigration and Nationality Act (INA) and 8 C.F.R. Part 281. The circumstances and specific INA provision for this penalty assessment are set forth in the Notice of Violation and Order with the above-referenced Penalty Tracking Number and are incorporated by reference herein.

This debt is final under 8 C.F.R. Part 281 and payment in full is due now in the amount of $[redacted] Please see the enclosed **Payment Options** for instructions on how to make payment.

If you fail to pay the full amount **within ten (10) calendar days of this Invoice Date,** the U.S. Department of Justice may file a civil lawsuit against you at any time. However, you may be able to avoid this debt if you voluntarily depart the United States within ten (10) calendar days of this Invoice Date and confirm your departure with U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or through the CBP Home mobile application. If immigration officials can verify your departure, and if you are otherwise eligible for the debt rescission program, the United States will rescind the debt listed above. For more information about voluntary departure and debt rescission, please see the DHS CBP Home Mobile application or www.dhs.gov/cbphome.

If you wish to dispute this Invoice, your dispute must be in writing, must include your Penalty Tracking Number, and must be received by INACivilPenalties@cbp.dhs.gov **within ten (10) calendar days of this Invoice Date.**

Failure to promptly pay this debt has consequences, including the accrual of interest, administrative costs, and a late payment penalty charge pursuant to 31 U.S.C. § 3717, 6 C.F.R. § 11.10, and 31 C.F.R. § 901.9. Interest shall accrue at the annual rate of 4% on the delinquent principal debt amount from the date of the Invoice Date. Administrative costs include costs for processing and handling of delinquent balances which accrue at 15% on the delinquent debt amount. You can avoid assessment of interest and administrative costs if payment in full is received within 30 days of the Invoice Date. Additionally, a late payment penalty charge will be assessed at the annual rate of 6% on any amount that is delinquent for more than ninety (90) days from the Invoice Date.

If you fail to promptly pay this debt, CBP may take any or all of the following actions:

- Collection of this debt by administrative offset of any eligible Federal and State payments due to you.
- Refer your debt to a private collection agency.
- Refer your debt to the U.S. Department of Justice to initiate collection litigation.
- Report the indebtedness to national credit bureaus, which could adversely affect your credit rating.
- Take this debt into consideration, to the extent permitted by law, in future immigration-related proceedings, including admissibility determinations.

You may request to inspect and copy records related to this debt. You may also request to enter into a reasonable written repayment agreement that is acceptable to the agency to pay this debt in installments, or you may submit an offer in compromise to settle this debt in accordance with 31 U.S.C. § 3711.

If you have any questions concerning this debt, or want to request an inspection of records or a repayment plan agreement, contact CBP at **INACivilPenalties@cbp.dhs.gov.**

Your prompt attention to this matter is appreciated.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

# NOTICE OF INTENTION TO FINE UNDER SECTION 274D OF THE IMMIGRATION AND NATIONALITY ACT

**United States of America**

Office Address: [redacted]

File Number:

Penalty Tracking Number:

In the matter of (Respondent): [redacted]

Address (Street Number and Name, City, State, and Zip Code):

[redacted]

Upon inquiry conducted by U.S. Immigration and Customs Enforcement (ICE), it is alleged that:

☒ On [redacted]/2015, an authorized Department of Homeland Security Immigration Officer, an Immigration Judge or the Board of Immigration Appeals issued you a Final Administrative Removal Order.

☒ On [redacted]/2015, you [redacted] with information necessary to obtain a travel document which could be used to effect your removal from the United States.

☒ On [redacted]/2018, you took up residence at [redacted] Church in [redacted] for the purpose of evading arrest and removal by ICE.

☒ On [redacted]/2019, you were advised through counsel to report to ICE in person on [redacted]2019. However, you failed to appear on that date violating the terms of your release under an Order of Supervision issued to you on [redacted]/2018.

☒ At the time of the alleged violation(s) you remained subject to the final order of removal.

☒ You
- ☒ willfully failed or refused to depart the United States within the time period specified;
- ☒ willfully failed or refused to make timely application in good faith for travel or other documents;
- ☒ willfully failed or refused to present yourself for removal at time and place required by the Secretary of Homeland Security;
- ☒ connived or conspired, or took any other action, designed to prevent or hamper or with purpose of preventing or hampering your departure.

☒ At the time of the issuance of this Notice you remain subject to the final order of removal.

Upon the basis of the foregoing allegations, it is charged that you are in violation of the following provision(s) of law: **Section 274D of the Immigration and Nationality Act.**

**Wherefore,** pursuant to Section 274D [redacted]on and Nationality Act and Section 280 of title 8, it is the intention of ICE to **order you to pay a fine in the amount of** $[redacted] .

Lisa Hoechst

Signature of Issuing Officer

Lisa Hoechst

Name of Issuing Officer

Enforcement Program Manager

Title of Issuing Officer

[redacted]/2019

Date

J 2713 Gellert Digitally signed by J 2713 Gellert Date: 2019[redacted]

Signature of Reviewing Officer

J 2713 Gellert

Name of Reviewing Officer

Unit Chief

Title of Reviewing Officer

[redacted]/2019

Date

I. You have the right to contest this Notice. If you desire to contest this Notice, you must:

1. Within 30 days from the service of this Notice, submit a written defense in duplicate, under oath, with documentary evidence setting forth the reasons why a civil penalty should not be imposed; AND
2. State whether a personal interview is requested; AND
3. Submit your written materials contesting this Notice and any request for a personal interview, in person or by certified mail to the following address:

[redacted]

You may file a request for an extension to respond to this Notice. The extension request cannot be for more than 30 days. You must file the request for an extension either in person or by certified mail to the address contained in Section I. You must set forth the reasons for your request, and an extension will only be granted upon good cause being shown. You may request a personal appearance before the Issuing Officer named above, or with any immigration officer at this location. The appearance will be conducted pursuant to 8 C.F.R. § 280.13(b). You have the right to file a Motion to Reopen or a Motion to Reconsider an ICE order imposing a fine to the United States Department of Justice, Board of Immigration Appeals. If you file a motion to the Board of Immigration Appeals, an immigration officer may reopen or reconsider the initial ICE decision regarding this civil fine.

II. If a written request for a personal interview or a written defense to this Notice is not received by the deadline to respond, the ICE Deciding Official will enter an order in the case and no appeal may be taken from this decision.

III. If you request a personal interview, the interview will be conducted pursuant to 8 C.F.R. § 280.13(b). Any evidence in opposition to the imposition of the fine may also be presented at the personal interview.

IV. After the conclusion of the personal interview or review of your written defense, if no personal interview is requested, the Issuing Officer will prepare a report for the ICE Deciding Official summarizing the evidence and his or her recommendation. The ICE Deciding Official will issue a written decision to you by mail.

V. The ICE Deciding Official's decision can be appealed to the Board of Immigration Appeals as provided in Code of Federal Regulations, Title 8, Part 1003. The appeal must be filed with the ICE Deciding Official to the address contained in Section I within 30 days of service of the written decision.

VI. You have a right to representation by counsel of your choice at no expense to the U.S. Government.

VII. Any statement given may be used against you in these proceedings.

## Certificate of Service

| | |
|---|---|
| | [redacted]/2019 |
| Served by (print name) | Date served |
| Lisa Hoechst, Enf. Program Mgr. | Lisa Hoechst |
| Name and title of employee or officer | Signature of employee or officer |
| via certified mail | |
| Place of service | |
| | |
| Person served (print name) | Signature of person served |
| | ☐ Refused to sign |

Method of Service

☐ Personal Delivery ☐ Delivery to Respondent's Attorney

☐ Personal Delivery - Residence ☒ Certified / Registered [redacted]

TRACKING NUMBER: [redacted]

DEPARTMENT OF HOMELAND SECURITY

# NOTICE OF VIOLATION AND ORDER UNDER THE IMMIGRATION AND NATIONALITY ACT

File Number: [redacted]

Penalty Tracking Number: [redacted]

In the Matter of: [redacted]

Name

[redacted]

Address (Number, Street, City, State, and Zip Code)

---

The U.S. Department of Homeland Security provides notice of the following determinations:

- [■] You are not a citizen or national of the United States.

It is further determined that, under the following sections of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code:

**[ ] Section 240B**

- [ ] On ______________, you were permitted to depart voluntarily under Section 240B of Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1229c.
- [ ] You failed to voluntarily depart the United States within the time period specified.

Based on the foregoing, you are subject to a civil monetary penalty under Section 240B(d)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1229c(d)(1).

**IT IS ORDERED that:**

- [ ] a civil penalty be imposed upon you in the amount of: $ ____________________, pursuant to Section 240B(d)(1)(A) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1229c(d)(1)(A); and Title 8 of the Code of Federal Regulations, Part 281.

**[■] Section 274D**

- [■] On [redacted], an order of removal, for which you are subject, was made final.
- [■] You -
  - [■] willfully failed or refused to depart from the United States pursuant to the order.
  - [ ] willfully failed or refused to make timely application in good faith for travel or other documents necessary for departure.
  - [ ] willfully failed or refused to present for removal at the time and place required by the Attorney General [or Secretary of Homeland Security].

Based on the foregoing, you are subject to a civil monetary penalty under Section 274D(a)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1324d(a)(1).

**IT IS ORDERED that:**

- [■] a civil penalty be imposed upon you in the amount of: $ 1,820,352.00, pursuant to Section 274D(a)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1324d(a)(1); and Title 8 of the Code of Federal Regulations, Part 281.

[redacted] | [redacted] | [redacted]
--- | --- | ---
Name | File Number | Penalty Tracking Number

☐ **Section 275**

☐ On ________________, you were apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers.

Based on the foregoing, you are subject to a civil monetary penalty under Section 275(b) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b).

**IT IS ORDERED that:**

☐ a civil penalty be imposed upon you in the amount of: $ ______________________, pursuant to Section 275(b)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b)(1); and Title 8 of the Code of Federal Regulations, Part 281.

☐ a civil penalty be imposed upon you in the amount of: $ ______________________, twice the amount specified in Section 275(b)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b)(1), because you have been previously subject to a civil penalty under this subsection, pursuant to Section 275(b)(2) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b)(2); and Title 8 of the Code of Federal Regulations, Part 281.

The U.S. Government will issue a demand letter and instructions for payment of the imposed civil penalty.

QTSSPMRL.ICE [redacted] | IMMIGRATION SERVICES OFFICER | 2026-[redacted]
--- | --- | ---
Signature of Immigration Officer | Title of Immigration Officer | Date

## APPEAL RIGHTS

I. You have the right to appeal this Notice of Violation and Order. To appeal, you must file written notice of appeal postmarked within 15 business days from the date of service of this Notice of Violation and Order.

II. Any written notice of appeal must be submitted in accordance with the filing instructions in the below NOTICE OF APPEAL section, and filed with the following address:

Attn: Civil Fines Please provide the street address, city, state, and zip code.

[redacted]

III. If you elect to submit a written response or documentary evidence, or both, in connection with the appeal, you shall file these materials with the notice of appeal.

IV. You may be represented by counsel of your choice at no expense to the U.S. Government.

V. If you do not timely file a written notice of appeal, the Notice of Violation and Order will become final, and you will be liable for the assessed civil penalty.

## CERTIFICATE OF SERVICE

NBQTSSPMRL
Served by (print name)

2026-[redacted]
Date served

IMMIGRATION SERVICES OFFICER
Name and title of employee or officer

[redacted]
Signature of employee or officer

Place of service

Person served (print name)

Signature of person served

☐ Refusal to Sign

[redacted]
Name

[redacted]
File Number

[redacted]
Penalty Tracking Number

Method of Service:

☐ Personal Delivery
☐ Personal Delivery - Residence
☐ Delivery to Attorney
☐ Certified or Registered Mail
☒ Ordinary Mail

## NOTICE OF APPEAL

This Notice of Appeal must be filed with the U.S. Department of Homeland Security (i.e., postmarked) within 15 business days from the date of service of Notice of Violation and Order. Please read the complete appeal instructions.

## APPEAL INSTRUCTIONS

I. **Filing requirements.** You must file this Notice of Appeal with the U.S. Department of Homeland Security within 15 business days from the date of service of the Notice of Violation and Order. You may provide a written defense or documentary evidence, or both, setting forth the reasons why a penalty should not be imposed. Your written defense and/or documentary evidence must be filed with the written notice of appeal. You should file the written notice of appeal and any accompanying material with the U.S. Department of Homeland Security in accordance with the filing instructions and at the address provided in the decision. The initial Notice of Violation and Order remains inoperative during the appeal period and while a timely administrative appeal is pending.

II. **Review.** Your appeal is handled by a supervisory immigration officer who did not issue the original decision. That supervisory immigration officer will review the record de novo within 10 days after the notice of appeal is filed and may, in their discretion, call for additional briefing or written filings from you. If the officer requests additional briefing or written filings from you, you must return the information to the officer within 15 days from receipt of that request. In all cases, the supervisory immigration officer will issue a decision in writing no later than 45 calendar days after the notice of appeal was filed and serve it on you.

III. **Record.** The record reviewed by a supervisory immigration officer will include the immigration officer's decision, the evidence contained in the U.S. Department of Homeland Security's administrative file, and any written filings, documentary evidence, or other relevant material timely filed by you in connection with your appeal. If requested by you on appeal, the supervisory immigration officer shall provide copies of pertinent documentation and records relevant to the penalty unless such records are law enforcement sensitive or disclosure is prohibited by law.

IV. **Secretary of Homeland Security.** The supervisory immigration officer's decision or, if no appeal is taken, the Notice of Violation and Order constitutes final agency action unless the Secretary of Homeland Security, or the Secretary's designee, certifies for de novo review the decision to issue civil monetary penalties under sections 240B(d), 274D(a), or 275(b) of the Act and issues a new decision.

## APPEAL

I am filing an appeal of a Notice of Violation and Order for the following reasons:

☐ I have attached additional sheets with the reasons for my appeal.
☐ I have attached a separate written brief or statement.
☐ I have attached additional documentary evidence.

| [redacted] | [redacted] | [redacted] |
|---|---|---|
| Name | File Number | Penalty Tracking Number |

By signing below, I do solemnly swear or affirm that the information provided in this Notice of Appeal and supporting documentation is true, complete, and correct to the best of my knowledge and belief, and I understand that providing false information may result in penalties under federal law.

Signature ____________________ Date ____________

Printed Name ____________ File Number ____________ Penalty Tracking Number ____________

Current Mailing Address ____________________

Phone Number ____________ Email Address ____________

DEPARTMENT OF HOMELAND SECURITY

# APPEAL DECISION AND ORDER UNDER THE IMMIGRATION AND NATIONALITY ACT

File Number: [redacted]

Penalty Tracking Number: [redacted]

In the Matter of: [redacted]
Name

[redacted]
Address (Street Number and Name, City, State, and Zip Code)

On [redacted], a Notice of Violation and Order was served upon you stating the U.S. Department of Homeland Security's determinations and the civil penalty amount to be imposed upon you for violating certain provisions of the Immigration and Nationality Act.

On the Notice of Violation and Order, you were advised of your right to appeal the civil penalty within 15 business days from the date of service of the immigration officer's decision by submitting a notice of appeal, including any written response and/or documentary evidence you would like considered in connection with your appeal.

In response to the Notice of Violation and Order, you:

- [x] Filed an appeal—
  - [ ] Admitting the violation.
  - [x] Denying the violation.
  - [ ] However, the appeal was not timely filed within the requisite 15 business days from the date of service and, therefore, was not reviewed on the merits.
- [x] Provided evidence in connection with your appeal including—
  - [ ] Documentary evidence.
  - [x] Written response.

Pursuant to 8 C.F.R. § 281.1(e)(2), after a review of the record, including your appeal and evidence in connection, the following findings are entered:

- [ ] The Notice of Violation is **REVERSED**. Therefore, the Order imposing a civil penalty upon you is **CANCELLED**.
- [x] The Notice of Violation is **AFFIRMED** for the following reasons:
  - [x] You are not a citizen or national of the United States.

Under the following sections of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code:

- [ ] **Section 240B**
  - [ ] On ______________, you were permitted to depart voluntarily under Section 240B of Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1229c.
  - [ ] You failed to voluntarily depart the United States within the time period specified.

| [redacted] | [redacted] | [redacted] |
|---|---|---|
| Name | File Number | Penalty Tracking Number |

Based on the foregoing, you are subject to a civil monetary penalty under Section 240B(d)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1229c(d)(1).

**And as deemed appropriate, the Order imposing civil penalty upon you is:**

☐ **AFFIRMED**

☐ To be in the amount of: $ ______________ , pursuant to Section 240B(d)(1)(A) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1229c(d)(1)(A); and Title 8 of the Code of Federal Regulations, Part 281.

▣ **Section 274D**

▣ On [redacted] , an order of removal, for which you are subject, was made final.

▣ You—

▣ willfully failed or refused to depart from the United States pursuant to the order.

▣ willfully failed or refused to make timely application in good faith for travel or other documents necessary for departure.

▣ willfully failed or refused to present for removal at the time and place required by the Attorney General [or Secretary of Homeland Security].

Based on the foregoing, you are subject to a civil monetary penalty under Section 274D(a) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1324d(a).

**And as deemed appropriate, the Order imposing civil penalty upon you is:**

▣ **AFFIRMED**

▣ To be in the amount of: $ 1,820,352.00 , pursuant to Section 274D(a) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1324d(a); and Title 8 of the Code of Federal Regulations, Part 281.

☐ **Penalty Reduced.** To be in the amount of: $ ______________ , pursuant to Section 274D(a) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1324d(a); and Title 8 of the Code of Federal Regulations, Part 281.

☐ **Section 275**

☐ On ______________ , you were apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers.

Based on the foregoing, you are subject to a civil monetary penalty under Section 275(b) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b).

**And as deemed appropriate, the Order imposing civil penalty upon you is:**

☐ **AFFIRMED**

☐ To be in the amount of: $ ______________ , pursuant to Section 275(b)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b)(1); and Title 8 of the Code of Federal Regulations, Part 281.

☐ To be in the amount of: $ ______________ , twice the amount specified in Section 275(b)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b)(1), because you have been previously subject to a civil penalty under this subsection, pursuant to Section 275(b)(2) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b)(2); and Title 8 of the Code of Federal Regulations, Part 281.

☐ **Penalty Reduced.** To be in the amount of: $ ______________ , pursuant to Section 275(b)(1) of the Immigration and Nationality Act, as amended and codified at Title 8, United States Code, Section 1325(b)(1); and Title 8 of the Code of Federal Regulations, Part 281.

| [redacted] | [redacted] | [redacted] |
|---|---|---|
| Name | File Number | Penalty Tracking Number |

■ DHS will issue an invoice and instructions for payment of the imposed civil penalty.

■ The appeal is **DISMISSED**.

| [redacted] | Sup. Immigration Services Officer | [redacted] |
|---|---|---|
| Signature of Supervisory Immigration Officer | Title of Supervisory Immigration Officer | Date |

## NOTICE OF FINAL DECISION AND ORDER

I. **No further appeal.** There is no further appeal from this appeal decision and order. You may not file a motion to reopen or reconsider this appeal decision and order. The supervisory immigration officer's decision issued under Title 8 of the Code of Federal Regulations, Part 281(e)(2) constitutes final agency action unless the Secretary of Homeland Security, or the Secretary's designee, certifies the decision for review under (e)(4).

### Certificate of Service

| | |
|---|---|
| [redacted] | [redacted] |
| Served by (print name) | Date served |
| Sup. Immigration Services Officer | [redacted] |
| Name and title of employee or officer | Signature of employee or officer |
| | |
| Place of service | |
| | |
| Person served (print name) | Signature of person served |
| | ☐ Refused to sign |

Method of Service

☐ Personal Delivery ☐ Delivery to Attorney ☐ Ordinary Mail

☐ Personal Delivery - Residence ■ Certified or Registered Mail