



U.S. Department of
Homeland Security

DHS Announces Rescission of Civil Penalties for Failure-to-Depart

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WASHINGTON – Today, at the direction of Secretary of Homeland Security Alejandro N. Mayorkas, U.S. Immigration and Customs Enforcement (ICE) rescinded two delegation orders related to the collection of civil financial penalties for noncitizens who fail to depart the U.S., stating they run counter to the agency’s best interest.

“There is no indication that these penalties promoted compliance with noncitizens’ departure obligations,” said Secretary Mayorkas. “We can enforce our immigration laws without resorting to ineffective and unnecessary punitive measures.”

After reviewing detailed data regarding the issuance of such fines since 2018, it was clear to Secretary Mayorkas and Acting ICE Director Tae Johnson that the fines were not effective and had not meaningfully advanced the interests of the agency. ICE intends to work with the Department of Treasury to cancel the existing debts of those who had been fined.

The two delegation orders—ICE Delegation No. 01-2018, *Delegation of Authority to Administer and Enforce Provisions Relating to Civil Penalties for Failure to Depart*, and ICE Delegation No. 006-2020, *Delegation of Authority to Administer Certain Provisions Relating to Civil Penalties for Failure to Depart*—delegated to certain ICE officials the authority to administer and enforce certain civil penalties for noncitizens who fail to depart.

Although ICE has had the authority to assess financial penalties to individuals for failing to depart for more than 20 years, the agency did not initiate enforcement of these penalties until 2018. As of January 20, 2021, ICE ceased issuing these fines. This formalizes the Biden Administration’s change in direction.

The rescission marks ICE’s latest move toward focusing its limited resources on those posing the greatest risk to national security and public safety in accordance with the current

guidance on civil immigration enforcement and removal priorities, which Acting Director Johnson issued on Feb. 18, 2021.

Topics: [Immigration and Customs Enforcement \(/topics/immigration-enforcement/\)](/topics/immigration-enforcement/), [Secretary of Homeland Security \(/topics/secretary-homeland-security/\)](/topics/secretary-homeland-security/).

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