From: (b)(6); (b)(7)(C) Sent: 27 Jun 2019 17:14:19 +0000 (b)(6); (b)(7)(C) To: (b)(6); (b)(7)(C) Cc: Lucero, Enrique M; Sanctuary Cases - Civil Fines Subject: Attachments: (b)(6); (b)(7)(C) Sanctuary NIF (x2) - (b)(6); (b)(7)(C) (DEN).pdf, (b)(6); (b)(7)(C) - Sanctuary NIF (x3) - (b)(6); (b)(7)(C) Sanctuary NIF (x3) - (b)(6); (b)(7)(C) - (DET).pdf, (b)(6); (b)(7)(C) Sanctuary NIF (x2) (b)(6); (b)(7)(C) (DET).pdf, (b)(6); (b)(7)(C) - (DEN).pdf, (b)(6); (b)(7)(C) - Sanctuary NIF (x3) (b)(6); (b)(7)(C) - (SNA).pdf, (b)(6); (b)(7)(C) - Sanctuary NIF (x3) - (b)(6); (b)(7)(C) - (ATL).pdf, Sanctuary NIF (x3) - (b)(6); (b)(7)(C) - (WAS).pdf, (b)(6); (b)(7)(C) - Sanctuary NIF (x3) -(b)(6): (b)(7)(C) Sanctuary NIF (x3) - (b)(6); (b)(7)(C) (SLC).pdf, (b)(6); (b)(7)(C) (WAS).pdf High Importance:

Intention to Fine' for sanctuary cases. We received approval from the Director's office to send. The grand total of the proposed penalties is \$3,066,560. Because each of these cases has already had high media interest, and because 8 of the 9 appear to have attorneys, I wanted to be sure you are aware of the situation as I expect some inquiries next week. OPA was looped into the situation about a month ago and has already prepared some talking points — some of which are below in the event that anyone needs them.

[b)(6); (b)(7)(C)

She reported to ERO on 5/10 and was OSUPa that same day.

I prepared a rather lengthy write up for distribution to the effected field offices. Since this process is being conducted essentially in a vacuum, I wanted to provide some background in the event they need it in the field. Additionally, the field will need to be sure the attached notices are included in the aliens' record – and that the appropriate updates are made to the system.

The offices involved are identified in column 'A' in the spreadsheet below.

Would you like me to email this out to the effected field offices directly with a copy to you? or do you prefer to send it out from Field Operations?

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				Sand	tuary Total	3,066, 560.0 0

Civil Fines Sanctuary Cases

Background

On June 19, 2018, former ICE Acting Director Thomas D. Homan signed ICE Directive 10088.1: Fines and Penalties for Civil Violations of Immigration Law, which sets forth policy regarding the assessment and collection of penalties for an alien who fails to depart voluntarily within the time specified under the Immigration and Nationality Act (INA) § 240B(d) (8 U.S.C. § 1229c(d)), and INA § 274D for an alien subject to a final order of removal who willfully fails or refuses to depart the United States pursuant to that removal order (8 U.S.C. § 1324d).

When commencing civil penalty proceedings against an alien for a violation of INA §§ 240B or 274D, ICE must first notify the alien on form I-79A or I-79B — Notice of Intention to Fine (NIF) - that ICE intends to fine the alien a specific sum for failing to timely depart while under an order of voluntary departure, or for willfully failing to comply with a removal order. Included in the NIF are the allegations leading to the fine, and a notification to the alien that they have 30 days to respond to the allegations. The alien is also notified that their failure to timely respond will result in an unappealable decision.

For fines relating to a voluntary departure violation under INA § 240B, the fine amount is set by the Immigration Judge during the alien's hearing within a statutory range of \$1,000 to \$5,000. If the judge does not specify an amount, then a presumptive amount of \$3,000 is used. This amount is adjusted annually for inflation. The most recent adjustment in 2019 raised the presumptive amount to \$4,792.

When determining the amount of the penalty for a violation of INA § 274D, multiple factors are considered – to include any egregious actions taken by the alien in an effort to avoid removal. While the amount of the § 274D fine is set by ICE and is discretionary, by law it cannot exceed the 2019 adjusted rate of \$799 for each day the alien fails to comply with the removal order.

Discussion

In April 2019, you were tasked with providing to HQ details on 9 individuals who actively sought sanctuary from removal by entering into residence at a church or other sensitive location. The information provided was to be used to determine whether to impose a civil penalty against these individuals who have made clear their intention to continue non-compliance with their departure orders.

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		Copies of
these NIFs are attached in 9 separate		y the A-
number, last name, and field office.	p)(5)	
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N.	
	0-45 days, as responses to the NIFs are received at HQ, copies will propriate AOR for inclusion into the alien's record. (D)(5)
anager, at (b)(6); (please contact (b)(6); (b)(7)(C) Enforcement Program
Can of Duklin	Included below are some taking points prepared by the ICE
fice of Public	Affairs in the event they are needed locally.
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