EXHIBIT A:
Architects of Civil Fines
EXHIBIT A.1.
Hi

I hope you had a great weekend! Please read the message below. I will be in around 8:30 (no tennis).

Thanks,
Beth

Deputy Chief
Commercial & Administrative Law Division (CALD)
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
166 Sycamore Street
Williston, VT 05495

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From: Davidson, Michael J
Date: Saturday, Dec 16, 2017, 8:09 AM
To: (b)(6), (b)(7)(C)
Cc: 
Subject: RE: §274D, Failure to depart fines

Adding (b)(6).
Sent with BlackBerry Work
(www.blackberry.com)

From: Davidson, Michael J
Date: Saturday, Dec 16, 2017, 8:08 AM
To: [Redacted]
Cc: [Redacted]
Subject: FW: §274D, Failure to depart fines

Is this in your swim lane?
Mike

Sent with BlackBerry Work
(www.blackberry.com)

From: Feere, Jon
Date: Friday, Dec 15, 2017, 8:01 PM
To: Davidson, Michael J, Loiacono, Adam V, Davis, Mike P
Subject: §274D, Failure to depart fines

Mr. Davidson –

Thank you for taking a few minutes to talk with me on this earlier. I’m hoping you can help me fast track the directive in the DHS enforcement memo to collect all fines and penalties from illegal aliens and those who facilitate their unlawful presence. HSI is doing a fine job of this in the worksite context, but it needs to happen in the removal context as well. This is the language:

F. Establishment of Programs to Collect Authorized Civil Fines and Penalties
As soon as practicable, the Director of ICE, the Commissioner of CBP, and the Director of users shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties which the Department is authorized under the law to assess and collect from aliens and from those who facilitate their unlawful presence in the United States.
It’s a bit of a lift, and it is complicated, but it’s also a very focused ask.

Please let me know what I can do to make this happen.

Thank you much.

Jon

Jon Feere
Senior Advisor
U.S. Immigration and Customs Enforcement
Department of Homeland Security

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EXHIBIT
A.2.
Hi Jon,
Just spoke with Adam. We think it would be best for us all to meet with ERO leadership and discuss this issue along with the ideas below. I’ll put something on our calendars.

Debbie

From: Feere, Jon
Sent: Wednesday, December 27, 2017 3:59 PM
To: Seguin, Debbie
Cc: Loiacono, Adam V; Davidson, Michael J; Davis, Mike P
Subject: RE: §274D, Failure to depart fines

All -

Can we get something briefed up to leadership by the end of this week?

I have a couple thoughts I’d like your expert opinions on. First, 

Second,

Any thoughts would be appreciated.

Jon

Jon Feere
Senior Advisor
Immigration and Customs Enforcement
Department of Homeland Security
Subject: RE: §274D, Failure to depart fines

Jon,

As discussed, [b](5)

[b](5) Happy to help coordinate that effort. Just let me know.

Thanks,
Debbie

From: Feere, Jon
Sent: Wednesday, December 20, 2017 4:52 PM
To: Davidson, Michael J; Davis, Mike P
Cc: Seguin, Debbie
Subject: RE: §274D, Failure to depart fines

Thank you all for your work on this very helpful explanation of where we stand.

Jon

From: Loiacono, Adam V
Sent: Wednesday, December 20, 2017 10:44 AM
To: Feere, Jon; Davidson, Michael J; Davis, Mike P
Cc: Seguin, Debbie; [b](5)
Subject: RE: §274D, Failure to depart fines

Jon-

I was finally able to discuss this issue with Debbie. As I mentioned previously, [b](5)
In short, I would recommend that perhaps we all get together, including ICE Policy and ERO after the holidays to consider the path forward.

Thanks,

Adam V. Loiacono
Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

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From: Feere, Jon
Sent: Friday, December 15, 2017 8:01 PM
To: Davidson, Michael J; Loiacono, Adam V; Davis, Mike P
Subject: §274D, Failure to depart fines

Mr. Davidson –
Thank you for taking a few minutes to talk with me on this earlier. I’m hoping you can help me fast track the directive in the DHS enforcement memo to collect all fines and penalties from illegal aliens and those who facilitate their unlawful presence. HSI is doing a fine job of this in the worksite context, but it needs to happen in the removal context as well. This is the language:

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Please let me know what I can do to make this happen.

Thank you much.

Jon

Jon Feere
Senior Advisor
U.S. Immigration and Customs Enforcement
Department of Homeland Security

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EXHIBIT
A.3.
Good morning all,

Here are some white papers from Jon Feere, Senior Advisor to Director Homan, that were forwarded to Brian and me, we can discuss further on the call. Thanks!
EXHIBIT A.4.
From: Seguin, Debbie
Sent: 14 Jun 2018 13:12:00 +0000
To: Blank, Thomas; Simon, Joseph D; Loiacono, Adam V; Albence, Matthew; Benner, Derek N; Feere, Jon; [b](6); [b](7)(C); Asher, Nathalie R; Davidson, Michael J
Cc: Davis, Mike [b](6); [b](7)(C)
Subject: RE: Fines and Penalties-One Pager Get Back
Attachments: RE: Fines and Penalties-One Pager Get Back.eml
EXHIBIT
A.5.
FYSA

Attached is CALD's 1-pager regarding Please let us know if you have any questions.

<<Draft Whitepaper (CALD).doc>>

Chief, Commercial and Administrative Law Division

Office

Cell:

Proud to serve. – Quenton Brown

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From: Seguin, Debbie
Sent: Tuesday, January 16, 2018 2:23 PM
To: Davidson, Michael J; Albence, Matthew; Miller, Philip T; Feere, Jon
Cc: Asher, Nathalie R; Davis, Mike P; Loiacono, Adam V

2020-ICL-00028 1442
Hi all,

Thank you for your participation and discussion during last week’s meeting. Just a quick recap.

Debbie

-----Original Appointment-----
From: ICE Office of Policy
Sent: Monday, January 8, 2018 12:04 PM
To: ICE Office of Policy; Davis, Mike P; Lolacono, Adam V; Feere, Jon; Albence, Matthew; Miller, Philip T; Davidson, Michael J; Seguin, Debbie
Cc: Asher, Nathalie R
Subject: INA §274D, Failure to depart fines
When: Tuesday, January 9, 2018 12:00 PM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: PCN - CR 3175 or 1-877-960-3447, PIN: 6453186

Meeting Rescheduled:

To discuss ICE’s progress in implementing Section 6 of EO 13768 and assessing fines pursuant to INA § 274D and Jon’s inquires (See attached email).

From: [b](6); [b](7)(C)
To: Blank, Thomas; Benner, Derek N; [b](6); [b](7)(C); Albence, Matthew; Asher, Nathalie R; [b](6); [b](7)(C); Davis, Mike P; Davidson, Michael J; Kovacic, Raymond; Johnson, Liz
Cc: Seguin, Debbie [b](6); [b](7)(C); Feere, Jon
Subject: Signed: Fines and Penalties for Civil Violations of Immigration Law
Attachments: Signed: Fines and Penalties for Civil Violations of Immigration Law.eml
Good evening,

This is to inform ICE leadership that AD1 Homan signed ICE Directive, *Fines and Penalties for Civil Violations of Immigration Law*, and ICE Delegation Order, *Authority to Administer and Enforce Provisions Relating to Civil Penalties for Failure to Depart*.

The Directive establishes ICE’s overarching policy for initiating, assessing, collecting and addressing appeals of fines and penalties for civil violations of immigration law under sections 240B(d)(1), 274C(d)(3), and 274D(a) of the INA. These provisions provide for the assessment and collection of civil fines for failure to voluntarily depart the United States within the specified voluntary departure period, prohibited activities involving document fraud, and willful failure to depart pursuant to a final order of removal.

The Delegation Order delegates authority from the ICE Director to the Executive Associate Director (EAD), Deputy EAD, and Field Office Directors (FODs) of the Enforcement and Removal operations (ERO) to administer and enforce provisions relating to civil penalties for failure to depart under INA sections 240B and 274D, Title 8 United States Code (U.S.C.) §§ 1229c and 1324d, and 8 Code of Federal Regulations (C.F.R.) Part 280.

OP is working to post the signed Directive and Delegation Order to the ICE Policy Manual and coordinate with OPA to issue the pre-approved Broadcast Message to the workforce. Please let me know if you have any questions.

Thank you,

Deputy Assistant Director
Office of Policy
U.S. Immigration and Customs Enforcement
EXHIBIT

A.7.
From: "Loiacono, Adam V" [b](6), [b](7)(C)
Date: July 2, 2018 at 1:15:59 PM EDT
To: "Peachey, William (CIV)" <William.Peachey@usdoj.gov>
Cc: [b](6), [b](7)(C) "Wetmore, David H. (ODAG)" <David.H.Wetmore@usdoj.gov>, "Loiacono, Adam [b](6), [b](7)(C) "Feere, Jon"

Subject: Civil Fines and Penalties

Bill-

As I am sure you are aware, Executive Order No. 13,768, *Enhancing Public Safety in the Interior of the United States*, requires that the Secretary “issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States.” 82 Fed. Reg. 8799, 8800 (Jan. 25, 2017). To that end, on June 19, the Acting ICE Director issued a policy directive to implement sections 240B(d)(1) (failure to voluntarily depart the United States within the specified voluntary departure period), 274C(d)(3) (prohibited activities involving document fraud), and 274D(a) (willful failure to depart pursuant to a final order of removal) of the Immigration and Nationality Act (INA) and applicable regulations.

Because ICE, and the former INS, has never levied or collected fines under INA §§240B(d)(1) or 274D(a), and has not collected fines under INA § 274C(d)(3) since the decision of the U.S. Court of Appeals for the Ninth Circuit in Walters v. Reno, 145 F.3d 1032, (9th Cir. 1998), we wanted to make you aware that ICE has begun levying such fines. At this point, only three Notices of Intent to Fine (NIFs) have been issued, all pursuant to INA § 240B(d)(1). If you have any questions, please let me know.
EXHIBIT
A.8.
Sent: 17 Apr 2019 16:25:31 +0000
To: ICE.Scheduler; Asher, Nathalie R; Marin, David A; Benner, Derek
Blanc, Thomas; Albence, Matthew; Short, Tracy; Davis, Mike P; Feere, Jon
Subject: Materials Attached - 274D Fine Briefing
Attachments: Civil Penalties Update 04172019 - for EAD (003).docx, NIF analysis by office - 04172019.xlsx, Directors Civil Fines Brief - (02).doc, Sanctuary Cases_04162019.xlsx

Please do not forward, copy or add additional participants. Should additional participants need to be requested, please email...

ERO to brief AD1 & A-DD on the current status of the 274D fine.