

Immigration Enforcement Fines for Immigrants with Final Removal Orders

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According to a [press release from the Department of Homeland Security \(DHS\)](#), foreign nationals (*aliens*) who have been ordered removed from the United States and have not left the country have been issued fines, which in some cases reportedly [total as much as \\$1.8 million](#) per alien. [Civil penalties for failure to depart](#) were authorized in the [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#) but the provision was not [enforced until 2018](#). In July 2025, Congress established a new \$5,000 minimum fee for aliens who fail to appear for removal proceedings and are later arrested by DHS's Immigration and Customs Enforcement (ICE). Individuals may be responsible for [interest, administrative costs, and late payment charges](#) associated with their fines. As of July 2026, [DHS issued more than 103,000 fines totaling more than \\$84 billion](#); it has [reportedly collected \\$1.2 million](#).

Removal Process

Any person in the United States who is not a U.S. citizen or national may be subject to removal if they fall within one of the Immigration and Nationality Act's (INA's) grounds of [inadmissibility](#) or [deportability](#). Individuals who have been charged with such grounds by DHS may be placed in [removal proceedings](#), which are adjudicated by immigration judges in the Department of Justice's Executive Office for Immigration Review (EOIR). Those determined to be removable and ineligible for relief (e.g., asylum) or protection from removal (e.g., withholding of removal) are typically issued an order of removal (an appeals process is available). Failure to attend a hearing may result in an [in absentia removal order](#). ICE is responsible for the detention and removal of individuals with final removal orders.

Because of DHS resource constraints and humanitarian concerns, recent administrations routinely have [set immigration enforcement priorities](#); typically focused on [public safety, national security, and border security](#) threats. Past administrations often [used prosecutorial discretion](#) to deprioritize removal of individuals who were subject to removal but [were otherwise viewed as low threat risks and productive members of communities](#). Instead of being detained and removed, these individuals may be subject to an ICE order of supervision and be placed on ICE's [non-detained docket](#) and monitored [with regular check-ins](#). The current Trump Administration has [prioritized removing aliens with final orders of removal](#) aided by ICE supplemental funding provided through recent funding measures, including P.L. 119-1 and P.L. 119-98.

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Civil Penalty for Failure to Depart

The [failure to depart penalty](#) (INA §274D) applies to any alien subject to a final order of removal who willingly fails or refuses to leave the United States, arrange their travel documents, or present for removal at the required time and place, or “who conspires to ... prevent or hamper the alien’s departure.” In 1996, Congress set the fine at not more than \$500 per day for each day the alien is in violation, which, [adjusted for inflation, recently reached \\$998](#). Fee revenues are deposited in the Immigration Enforcement Account in the U.S. Treasury to be used for immigration enforcement functions. Federal statute provides for other civil penalties/fines, such as [failure to depart by an alien who has been permitted to leave voluntarily](#), which are not covered in this Insight. Under [28 U.S.C. §2462](#), there is a five-year statute of limitations for enforcement of civil penalties.

An individual [may submit to DHS](#) a written notice of appeal of a fine. A [2025 interim final rule](#) (IFR) transferred the appeals process from EOIR’s Board of Immigration Appeals to DHS and [shortened](#) the timeframe to file from 30 days from the date of service of a Notice of Intent to Fine (NIF) to 15 days for NIFs issued on or after June 27, 2025. The IFR also removed a requirement to serve NIFs and orders of civil monetary penalties in person or via certified mail; DHS may now use regular mail.

Neither DHS nor its [predecessor agency](#) used its authority to issue these penalties until 2018, when President Trump issued [Executive Order \(EO\) 13768](#). Following its issuance, [ICE sent NIFs](#) to 233 people. More than two-thirds were not delivered; ICE collected \$4,215. Under EO 13993, the Biden administration [DHS revoked these penalties](#). In 2025, President Trump issued [EO 14159](#), directing DHS to “ensure the assessment and collection of all fines and penalties” it is authorized to collect.

In Absentia Penalty

In the 119th Congress, P.L. 119-21 implemented a new fee for aliens arrested by ICE who have been ordered removed in absentia, effective September 8, 2025. Aliens may be [ordered removed in absentia](#) if they fail to attend an immigration court hearing for which they have received written notice. DHS must present “clear, unequivocal, and convincing evidence” that the notice was provided and that the individual is removable. The [fee](#) is the greater of \$5,000 (to be adjusted for inflation) or an amount that the DHS Secretary establishes by rule, for “partial reimbursement for the cost of arresting an alien.” In May 2026, DHS [proposed to increase the fee](#) to \$18,000 to “[sufficiently reimburse ICE](#)” for arrests. Fee collections are divided between ICE and the U.S. Treasury. An alien may appeal a fee notice within 30 days of issuance.

Additional Considerations

DHS has [promoted failure to depart penalties](#) as an enforcement mechanism to encourage unlawfully present aliens to voluntarily depart the United States and use its smart phone application, [CBP Home](#), to communicate their [intent to depart](#). Aliens who use CBP Home may be eligible to receive free transportation to their home country, a one-time “exit bonus” of \$2,600, and forgiveness of any fines due, among other incentives.

[DHS has reportedly](#) begun garnishing wages and [tax refunds](#) and pursuing property seizures among individuals who have not paid their fines, and stated that unpaid fines would be considered as a [discretionary factor in its consideration of applications for immigration benefits](#) (e.g., a green card). In addition to potentially encouraging impacted persons to leave the United States, unpaid fines may have a chilling effect on their plans to return to the country.

Opponents have argued that these fines may impact individuals with permission to remain in the United States while they seek immigration benefits or relief and that some individuals did not receive proper notice of fines. A [related lawsuit](#) has been filed in the Massachusetts federal district court.

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