United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510–6275

July 17, 2026

The Honorable Todd Blanche
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Markwayne Mullin
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20016

Dear Acting Attorney General Blanche and Secretary Mullin:

We urge you to end the improper application of certain civil penalties in the Immigration and Nationality Act (INA) to law-abiding immigrants. In 1996, the Illegal Immigration Reform and Immigration Responsibility Act authorized fines to penalize certain immigrants who willfully or voluntarily fail to comply with departure obligations. [1] The Trump Administration has abused these authorities in an attempt to frighten immigrants—many of whom are seeking a green card or who have maintained lawful presence in the United States for decades—with outrageously excessive $1.8 million penalties that are clearly intended to force them to "self-deport."[2] The Administration has threatened to garnish immigrants' wages and seize their assets—leaving tens of thousands in fear of losing their life savings.[3] In assessing these fines, your Departments appear to have abandoned critical safeguards that have long prevented law-abiding immigrants from being improperly targeted with unreasonable penalties.

The INA authorizes civil monetary penalties for certain violations of immigration law. To assess the blanket $1.8 million penalties being issued to thousands of immigrants, your Departments have primarily relied on two authorities: section 274D of the INA, which allows a penalty to be assessed when a noncitizen *willfully* fails to depart the country, or otherwise conspires to or takes action to hamper departure, following a final order of removal; or section 240B of the INA, which allows penalties when a noncitizen *voluntarily* fails to depart the country after a voluntary departure order. [4] Both penalties are subject to the presumptive five-year statute of limitations for civil fines.[5] The penalties have rarely been applied—in fact, since the introduction of civil penalties in 1996, only President Trump has ever sought to impose civil penalties on noncitizens under these provisions.[6] In rescinding these penalties in 2021, the Department of Homeland Security (DHS) noted that the application of these penalties did little to promote compliance with departure obligations.[7]

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[1] 8 U.S.C. 1324d(a)(1), INA 274D(a)(1); 8 U.S.C. 1229c(d)(1); INA 240B(d)(1)).
[2] *Maria L. v. Mullin*, 1:25-cv-13471, (D. Mass. Nov 20, 2025) ECF No. 1.
[3] *Protecting the American People Against Invasion,* Exec. Order 14159, 90 Fed. Reg. 8443 (Jan, 20, 2025); *Establishing Project Homecoming*, Proclamation 10935, 90 Fed. Reg. 20,357 (May 9, 2025).
[4] 8 U.S.C. 1324d(a)(1), INA 274D(a)(1); 8 U.S.C. 1229c(d)(1); INA 240B(d)(1)).
[5] 28 U.S.C. 2462.
[6] *Enhancing Public Safety in the Interior of the United States,* 82 Fed. Reg. 8799, 8800 (Jan. 30, 2017).

Nevertheless, last year President Trump issued a series of executive orders implementing his mass deportation campaign, through which he directed federal agencies to use these civil penalties to achieve "the garnishment of wages [] and the confiscation of savings and personal property, including homes and vehicles."[8] The Trump Administration began quietly changing federal policies to eliminate procedural safeguards that might have prevented the wrongful application of these penalties.[9] For example, DHS made a form change that allowed for penalty issuance without any individualized explanation for the basis for a fine.[10] DHS and the Department of Justice issued an interim final rule (IFR)—a regulatory mechanism that bypasses standard notice and comment procedures—which codifies many of these changes and also permits the issuance of penalties based solely on a finding that an individual has a final order of removal or has agreed to voluntary departure.[11]

These changes raise serious legal concerns. They were made without advance notice to the public, leaving many noncitizens who had been complying with the law unsure of the basis under which these fees could be assessed and unsure of how to challenge them. An individualized determination is necessary to provide adequate notice of the basis for a violation and a meaningful way to challenge the penalties.[12] In addition, the mere existence of a removal order or voluntary departure agreement in a noncitizen's record is not sufficient to establish willful or voluntary failure to comply with departure obligations, as is required under the statute. For example, a recipient of Deferred Action for Childhood Arrivals has authorization to remain in the United States—and may have not, until adulthood, even been aware of a decades-old removal order or agreement to voluntarily depart.

Notably, many individuals who were issued a removal order or agreed to voluntary departure years prior may now be authorized to be in the United States pursuant to our immigration laws. For example, a survivor of domestic violence may have only been informed of a removal order issued against them after they escaped their abuser and may have since sought immigration relief authorizing the survivor to remain in the United States. Without case specific analysis, your Departments cannot properly determine whether assessing penalties for failure to comply with departure obligations is appropriate under the law.

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[7] *DHS Announces Rescission of Civil Penalties for Failure-to-Depart* (Apr. 23, 2021), https://www.dhs.gov/archive/news/2021/04/23/dhs-announces-rescission-civil-penaltiesfailure-depart.

[8] *Protecting the American People Against Invasion,* Exec. Order 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025); *Establishing Project Homecoming*, Proclamation 10935, 90 Fed. Reg. 20,357 (May 14, 2025).

[9] Many of these changes were not announced to the public at all. *See Maria L. v. Mullin*, 1:25-cv-13471, (D. Mass. Nov 20, 2025); *see also* 90 Fed. Reg. at 27,442 (*citing* ICE Deleg. Order No. 003–2025, *Delegation of Authority to Administer and Enforce Certain Provisions Relating to Civil Penalties for Failure to Depart* (Mar. 17, 2025); ERO Deleg. Order No. DO99–002, *Redelegation of Authority to Administer and Enforce Provisions Relating to Civil Penalties for Failure to Depart* (Mar. 24, 2025)).

[10] *See Maria L. v. Mullin*, 1:25-cv-13471, (D. Mass. Nov 20, 2025).

[11] *Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations*, 90 Fed. Reg. 27,439 (June 27, 2025).

[12] U.S. Const., Amend. V; *see also*, *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025); *Graham v. Richardson*, 403 U.S. 365, 371 (1971).

The Administration has stated it changed policies to allow the imposition of civil monetary penalties "swiftly and at [] scale" in order to "achieve the Administration's immigration enforcement and border security objectives."[13] As of May, the federal government had issued more than 65,000 fines to immigrants who reportedly have removal orders but who remain in the U.S., seeking more than $36 billion in total.[14] However, as with the rest of the Trump Administration's mass deportation policies, this policy does not appear intended to target the "worst of the worst," but rather to coerce law-abiding immigrants to leave the United States. In order to better understand the application of these policies, we request answers to the following questions no later than July 31, 2026.

1. What criteria have your Departments used to determine who is subject to fines under sections 274D or 240B of the INA? For example, is your Administration prioritizing individuals who are seeking lawful status?

2. How many civil monetary penalties have been assessed by your agency pursuant to section 274D of the INA?
    a. How many of these penalties have been for $1,820,352?
    b. How many civil monetary penalties have been reversed on appeal to a supervisory immigration officer? How many civil monetary penalties have been reversed on appeal to the Board of Immigration Appeals? Please disaggregate these numbers by month.
    c. How many of the individuals on whom penalties have been assessed have the following:
        i. a pending application for adjustment of status;
        ii. an approved I-130, Petition for Alien Relative;
        iii. an approved I-360, Petition for Amerasian, Widow(er), or Special Immigrant (please breakout the number of VAWA self-petitioners);
        iv. Deferred Action for Childhood Arrivals;
        v. temporary protected status;
        vi. an approval or determination that they are prima facie eligible for a T visa for survivors of trafficking;
        vii. an approval or determination that they are prima facie eligible for a U visa for survivors of crimes; or
        viii. an approval or determination that they are prima facie eligible for VAWA protections for survivors of domestic violence?

3. How many civil monetary penalties have been assessed by your agency pursuant to section 240B of the INA from January 20, 2025, to date? Please disaggregate these numbers by month.
    a. How many of these penalties have been for $1,820,352?

[13] 90 Fed. Reg. at 27,446.
[14] *See, e.g.,* Isaías Alvarado, *A $1.8 million fine and 15 days to pay: the unaffordable penalties Trump uses to harass migrants,* El Pais (May 28, 2026), 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.

    b. How many civil monetary penalties have been reversed on appeal to a supervisory immigration officer? How many civil monetary penalties have been reversed on appeal to the Board of Immigration Appeals? Please break these numbers down by month.
    c. How many of the individuals on whom penalties have been assessed have:
        i. a pending application for adjustment of status;
        ii. Deferred Action for Childhood Arrivals;
        iii. temporary protected status;
        iv. an approval or determination that they are prima facie eligible for a T visa for survivors of trafficking;
        v. an approval or determination that they are prima facie eligible for a U visa for survivors of crimes; or
        vi. an approval or determination that they are prima facie eligible for VAWA protections for survivors of domestic violence?

4. How many penalties assessed pursuant to section 274D of the INA and section 240B have been referred to private debt collectors?
    a. Please disaggregate this number by the name of the private debt collector.
    b. Please further disaggregate this number by the number of individuals who have:
        i. a pending application for adjustment of status;
        ii. Deferred Action for Childhood Arrivals;
        iii. temporary protected status;
        iv. an approval or determination that they are prima facie eligible for a T visa for survivors of trafficking;
        v. an approval or determination that they are prima facie eligible for a U visa for survivors of crimes; or
        vi. an approval or determination that they are prima facie eligible for VAWA protections for survivors of domestic violence?

5. How does the Administration consider congressionally-created pathways to lawful status, which remain available to individuals with removal and voluntary departure orders, in assessing whether any alleged failure to depart is willful or voluntary?

6. How does the Administration consider Immigration and Customs Enforcement Orders of Supervision and/or grants of deferred action in assessing whether any alleged failure to depart is willful or voluntary?

7. Does the Administration confirm whether an immigration judge's order, whether for voluntary departure or removal, contains advisals about civil fines, prior to assessing a fine? If not, why not?

8. To what extent has the Administration considered the harm to the U.S. economy caused by imposing massive debt on tens of thousands of individuals working in the United States and what impact that debt will have on the families of those individuals, including U.S. citizens?

We look forward to your prompt response to these inquiries.

Sincerely,

Richard J. Durbin United States Senator Ranking Member, Senate Committee on the Judiciary	Alex Padilla Ranking Member, Judiciary Subcommittee on Border Security and Immigration