

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

(b)(6); (b)(7)(C) – I wanted to make you aware that yesterday I sent out nine ‘Notice of 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)
 (b)(6); (b)(7)(C) She reported to ERO on 5/10 and was OSUPd 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?

Of fic e	Alien Num ber	Last	Fir st	DOB	Cou ntry	C ri m	R e p	2 4 0 B	2 7 4 D	FO Date	Sanc tuar y Date	Calcu lation Date	# D ay s	NIF Amo unt
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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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(b)(5) Copies of

these NIFs are attached in 9 separate documents which are identified by the A-number, last name, and field office. (b)(5)

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Over the next 30-45 days, as responses to the NIFs are received at HQ, copies will be sent to the appropriate AOR for inclusion into the alien's record. (b)(5)

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(b)(5) please contact (b)(6), (b)(7)(C) Enforcement Program
Manager, at (b)(6), (b)(7)(C)

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Included below are some taking points prepared by the ICE Office of Public Affairs in the event they are needed locally.

Talking Points

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