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POLITICS

Trump Administration Hits Some Immigrants In U.S. Illegally With Fines Up To \$500,000

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July 2, 2019 · 2:36 PM ET

Heard on All Things Considered



FRANCO ORDOÑEZ



A youth in Tijuana, Mexico, stands by the border fence that separates Mexico from the United States, where candles and crosses stand in memory of migrants who have died during their journey toward the U.S.

Emilio Espejel/AP

The Trump administration is seeking to fine some immigrants, who are in the United States illegally, hundreds of thousands of dollars for failing to take steps to leave after being ordered to do so, according to government documents obtained by NPR.

The Department of Homeland Security sent out a batch of notices across the country to targeted individuals ordering them to pay fines of up to nearly \$500,000 for "failing to depart the U.S. as previously agreed," among other factors.



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Trump Administration Slaps Sanctions On Son Of Venezuelan President Maduro

It's the latest hard-line effort by the administration as it clamps down on illegal immigration at the border and increases interior enforcement.

"It is the intention of ICE to order you pay a fine in the amount of \$497,777," Lisa Hoechst, U.S. Immigration and Customs Enforcement officer, wrote to Edith Espinal Moreno in a letter dated June 25, 2019, obtained by NPR from lawyers for Moreno.

Trump admin fines (p. 2)

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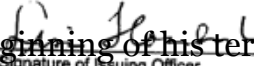

The letters come as the Trump administration prepares to carry out delayed immigration sweeps of migrant families who have received deportation orders.

President Trump said Monday, while signing legislation providing \$4.6 billion in funding to address the influx of migrants from Central America, that the immigration raids will begin after the July 4 holiday if Congress can't pass new restrictions on asylum law.


At the beginning of his term, Trump signed an executive order promising, "as soon as practicable, and by no later than one year after the date of this order," that the administration would begin 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."

Upon the basis of the foregoing allegations, it is charged that you are in violation of the following provision(s) and/or restriction(s) of the Immigration and Nationality Act:

Therefore, pursuant to Section 274D of the Immigration and Nationality Act and Section 280 of title 8, it is the intention of ICE to order you to pay a fine in the amount of \$497,777.00.

 Signature of Issuing Officer Name of Issuing Officer Enforcement Program Manager Title of Issuing Officer 06/25/2019 Date	 Signature of Reviewing Officer Name of Reviewing Officer Unit Chief Title of Reviewing Officer 06/25/2019 Date
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I. You have the right to contest this Notice. If you desire to contest this Notice, you must:



1. Within 30 days from the service of this Notice, submit a written defense in duplicate, under oath, with documentary evidence and the reasons why a civil penalty should not be imposed; AND
 2. State whether a personal interview is requested; AND
 3. Submit your written materials contesting this Notice and any request for a personal interview, in person or by certified mail to the following address:

Attn: Civil Fines
 U.S. Immigration & Customs Enforcement
 500-12th St. SW, Mailstop-5202, Room 11078
 Washington, DC 20536

You may file a request for an extension to respond to this Notice. The extension request cannot be for more than 30 days. You must file the request for an extension either in person or by certified mail to the address specified in Section I. You must set forth the reasons for your request, and an extension will only be granted upon good cause being shown. You may request a personal appearance before the Issuing Officer named above, or with any immigration officer at this location. The appearance will be conducted pursuant to 8 C.F.R. § 280.13(b). You have the right to file a motion to Reopen or a Motion to Reconsider an ICE order imposing a fine to the United States Department of Justice, Board of Immigration Appeals. If you file a motion to the Board of Immigration Appeals, an immigration officer may reopen or reconsider the initial ICE decision regarding this civil fine.

II. If a written request for a personal interview or a written defense to this Notice is not received by the deadline to respond, the ICE Deciding Official will enter an order in the case and no appeal may be taken from this decision.

III. If you request a personal interview, the interview will be conducted pursuant to 8 C.F.R. § 280.13(b). Any evidence in opposition to the fine must be presented at the interview.

IV. After the conclusion of the personal interview or review of your written defense, if no personal interview is requested, the Issuing Officer will present a report for the ICE Deciding Official summarizing the evidence and his or her recommendation. The ICE Deciding Official will issue a written decision to you by mail.

V. The ICE Deciding Official's decision can be appealed to the Board of Immigration Appeals as provided in Code of Federal Regulations, Title 8, Part 1003. The appeal must be filed with the ICE Deciding Official to the address contained in Section I within 30 days of service of the written decision.

VI. You have a right to representation by counsel of your choice at no expense to the U.S. Government.

VII. Any information given may be used against you in the proceeding.

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An ICE official said undocumented immigrants who willfully refuse to meet the obligations of an order issued by the Justice Department's Executive Office for Immigration Review may receive a "Notice of Intention to Fine" and then are subsequently provided a 30-day period to respond before a formal decision whether to issue a fine is made.

ICE officials said the agency began issuing these notices in December 2018 on a case-by-case basis, taking into account steps the individual has taken to fulfill the court's orders.

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"ICE is committed to using various enforcement methods — including arrest, detention, technological monitoring and financial penalties — to enforce U.S. immigration law and maintain the integrity of legal orders issued by judges," ICE spokesman Matthew Bourke told NPR.

Pro-immigrant advocates argue the Trump administration is trying to instill fear and confusion in immigrant communities, expecting the immigrants will leave. They report similar letters being received by immigrants in similar situations in North Carolina, Utah, Virginia and Texas.

Espinal, 42, said she could not believe the U.S. government thought she would have almost half a million dollars. She has been living in sanctuary at an Ohio church since an immigration judge ordered her removed two years ago. The church, its congregation and the community have largely supported her and her family.

"They want to scare me," Espinal said, adding, "because they know I am in sanctuary. And they know I don't have this amount of money."

Espinal said she came to the United States from Mexico with her father when she was 16. She now has three children of her own, including two who are U.S. citizens. She said her whole life is in the United States and she cannot return to Mexico.

Leon Fresco, who served as deputy assistant attorney general for the Office of Immigration Litigation in the Obama administration, said he could not recall a time when such high fines were used during the previous administration.

"It's a vivid illustration of the lengths the Trump administration will go to use any available authority to try to enforce immigration law," Fresco said. "I have not seen a \$300,000 fine for failing to facilitate one's own removal."

Espinal's attorney, Lizbeth Mateo, said she started laughing when she first saw the letter. She fears the administration is laying the groundwork for criminal penalties and could use fees in other ways to increase pressure on immigrants to leave.

"It's almost half a million dollars. Are they for real? Do they really think that she's going to pay this?" Mateo said. "I laughed, because there has to be someone in some

basement in D.C. thinking, 'Oh, what else can I do to mess with immigrants? What else can I do to hurt them?' "

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