

## 8 USC 1253: Penalties related to removal

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### From Title 8-ALIENS AND NATIONALITY

CHAPTER 12-IMMIGRATION AND NATIONALITY

SUBCHAPTER II-IMMIGRATION

Part V-Adjustment and Change of Status

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## §1253. Penalties related to removal

### (a) Penalty for failure to depart

#### (1) In general

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in [section 1227\(a\) of this title](#), who-

(A) willfully fails or refuses to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,

(B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,

(C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or

(D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of [section 1227\(a\) of this title](#)), or both.

#### (2) Exception

It is not a violation of paragraph (1) to take any proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

#### (3) Suspension

The court may for good cause suspend the sentence of an alien under this subsection and order the alien's release under such conditions as