**TITLE 8**

**UNITED STATES CODE**

**§ 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 237(a) [[8 U.S.C. § 1227(a)](http://www.lexis.com/research/buttonTFLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=2&_butInline=1&_butinfo=8%20USC%201227&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=f60067285954516f5f5b9ad0b40a20e5)], 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, United States Code, 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 237(a) [[8 U.S.C. § 1227(a)](http://www.lexis.com/research/buttonTFLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=3&_butInline=1&_butinfo=8%20USC%201227&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=62a4080633b336290ea9d2c655912604)]), 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 the court may prescribe. In determining whether good cause has been shown to justify releasing the alien, the court shall take into account such factors as--

**(A)** the age, health, and period of detention of the alien;

**(B)** the effect of the alien's release upon the national security and public peace or safety;

**(C)** the likelihood of the alien's resuming or following a course of conduct which made or would make the alien deportable;

**(D)** the character of the efforts made by such alien himself and by representatives of the country or countries to which the alien's removal is directed to expedite the alien's departure from the United States;

**(E)** the reason for the inability of the Government of the United States to secure passports, other travel documents, or removal facilities from the country or countries to which the alien has been ordered removed; and

**(F)** the eligibility of the alien for discretionary relief under the immigration laws.

**(b)** Willful failure to comply with terms of release under supervision. An alien who shall willfully fail to comply with regulations or requirements issued pursuant to section 241(a)(3) [[8 U.S.C. § 1231(a)(3)](http://www.lexis.com/research/buttonTFLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=4&_butInline=1&_butinfo=8%20USC%201231&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=1ae0168e0070d6baf949bd3df3485386)] or knowingly give false information in response to an inquiry under such section shall be fined not more than $ 1,000 or imprisoned for not more than one year, or both.

**(c)** Penalties relating to vessels and aircraft.

**(1)** *Civil penalties*.

**(A)** *Failure to carry out certain orders*. If the Attorney General is satisfied that a person has violated subsection (d) or (e) of section 241 [[8 U.S.C. § 1231](http://www.lexis.com/research/buttonTFLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=5&_butInline=1&_butinfo=8%20USC%201231&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=0a4ff64a122e935525aec4e29be0f0f7)], the person shall pay to the Commissioner the sum of $ 2,000 for each violation.

**(B)** *Failure to remove alien stowaways*. If the Attorney General is satisfied that a person has failed to remove an alien stowaway as required under section 241(d)(2) [[8 U.S.C. § 1231(d)(2)](http://www.lexis.com/research/buttonTFLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=6&_butInline=1&_butinfo=8%20USC%201231&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=560e7b5625cad9cecd5a610ecf69f2e0)], the person shall pay to the Commissioner the sum of $ 5,000 for each alien stowaway not removed.

**(C)** *No compromise*. The Attorney General may not compromise the amount of such penalty under this paragraph.

**(2)** *Clearing vessels and aircraft*.

**(A)** *Clearance before decision on liability*. A vessel or aircraft may be granted clearance before a decision on liability is made under paragraph (1) only if a bond approved by the Attorney General or an amount sufficient to pay the civil penalty is deposited with the Commissioner.

**(B)** *Prohibition on clearance while penalty unpaid*. A vessel or aircraft may not be granted clearance if a civil penalty imposed under paragraph (1) is not paid.

**(d)** Discontinuing granting visas to nationals of country denying or delaying accepting alien. On being notified by the Attorney General that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Attorney General asks whether the government will accept the alien under this section, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until the Attorney General notifies the Secretary that the country has accepted the alien.

(June 27, 1952, ch 477, Title II, Ch 5, § 243, [66 Stat. 212](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=7&_butInline=1&_butinfo=LXE_66_STAT_212&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=5090fdea68d5955bf85b57957b0a708b); Oct. 3, 1965, [P.L. 89-236](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=8&_butInline=1&_butinfo=LXE_89_PL_236&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=b1dc6a2c696b278a3b652246899fdc27), § 11(f), [79 Stat. 918](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=9&_butInline=1&_butinfo=LXE_79_STAT_918&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=2a939e062b973978e6b3aefa657fd707); Oct. 30, 1978, [P.L. 95-549](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=10&_butInline=1&_butinfo=LXE_95_PL_549&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=91df6fd88ba8c6e8c6197bb2edcaeece), Title I, § 104, [92 Stat. 2066](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=11&_butInline=1&_butinfo=LXE_92_STAT_2066&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=1cbe95c00f290f2239c1f2419ca5fa83); March 17, 1980, [P.L. 96-212](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=12&_butInline=1&_butinfo=LXE_96_PL_212&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=8a508b3123d2b56a8c6a365ffce6262c), Title II, § 203(e), [94 Stat. 107](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=13&_butInline=1&_butinfo=LXE_94_STAT_107&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=d1fc9331b322bcdf0a0fad050e4ba536); Dec. 29, 1981, [P.L. 97-116](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=14&_butInline=1&_butinfo=LXE_97_PL_116&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=46db30ae9c0560982fe1537ccf16512c), § 18(i), [95 Stat. 1620](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=15&_butInline=1&_butinfo=LXE_95_STAT_1620&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=cb0d9f56a5c4cef677b90f38af4a8e9b); Nov. 29, 1990, [P.L. 101-649](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=16&_butInline=1&_butinfo=LXE_101_PL_649&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=8c79e5cc2483acee6b3b248581beed3b), Title V, Subtitle A, § 515(a)(2), Title VI, § 603(b)(3), [104 Stat. 5053](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=17&_butInline=1&_butinfo=LXE_104_STAT_5053&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=a852cdfaecc67f36dc5060970687bf25), 5085; April 24, 1996, [P.L. 104-132](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=18&_butInline=1&_butinfo=LXE_104_PL_132&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=9ed4205c941187baf6e921bac87928bb), Title IV, Subtitle B, § 413(a), (f), [110 Stat. 1269](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=19&_butInline=1&_butinfo=LXE_110_STAT_1269&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=def1afd06360bedd7c9d89da9d83c0f6); Sept. 30, 1996, [P.L. 104-208](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=20&_butInline=1&_butinfo=LXE_104_PL_208&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=c1fe67deeeef4313eebaeb57bb631992), Div C, Title III, Subtitle A, § 307(a), [110 Stat. 3009](http://www.lexis.com/research/buttonLink?_m=d8e29c4ca9fd1272e804b867d3fab8c6&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b8%20USCS%20%a7%201253%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=21&_butInline=1&_butinfo=LXE_110_STAT_3009&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=c81675e78e2a829334501f510e3900fc)-612.)