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DEPARTM

Ratification of Civil Penalties

AGENCY: U.S. Immigration and Customs Enforcement ("ICE"), Department of Homeland Security.

ACTION: Ratification.

SUMMARY: The Department of Homeland Security ("DHS"), through the Secretary of Homeland Security, ratifies all final civil penalties that had been assessed in accordance with interim regulations. These interim regulations were later adopted as final with only slight modification so retained substantially the same procedures by which the civil penalties are assessed. This notification ratifies all civil penalties assessed in accordance with the interim regulations prior to the final adoption.

DATES: This ratification is issued on [**INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER***] and relates back to the original date of each civil penalty assessed in accordance with the interim regulations.

All claims submitted pursuant to this notice must be received by ICE on or before [**INSERT DATE 21 DAYS FROM THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER***].

FOR FURTHER INFORMATION CONTACT:

Office of the General Counsel, DHS, Washington, DC 20528, (202) 282–9822.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

On June 27, 2025, DHS and EOIR published a joint interim final rule ("IFR") titled "Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations." 90 FR 27439. This IFR modified the procedures by which civil monetary penalties issued under three statutory provisions of the Immigration and Nationality Act ("INA")—8 U.S.C. 1324d(a)(1), 1229c(d), and 1325(b)—are assessed. Whereas civil penalties issued under these

provisions were previously assessed pursuant to the procedures codified at 8 CFR part 280, the IFR announced a new procedure, codified at 8 CFR part 281, effective immediately on the date of publication of the IFR.

Although it was unnecessary because the IFR was subject to two exceptions to the requirements of the Administrative Procedure Act regarding notice and comment, DHS and EOIR opened the IFR for public comments through July 28, 2025. The public submitted 28 comments. After considering the comments received, DHS and EOIR published a Final Rule on October 14, 2026. 91 FR 65390. The Final Rule has no material difference from the IFR for the purposes of the civil penalties that had already been assessed prior to the publication of the Final Rule. Thus, under the Final Rule, just as under the IFR, the procedure outlined at 8 CFR part 281 remains the procedure by which civil penalties issued under 8 U.S.C. 1324d(a)(1), 1229c(d), and 1325(b) are assessed. The only change the Final Rule makes as compared to the IFR is that the Final Rule permits acceptance of a late-filed appeal based on documentary evidence demonstrating a mail delivery delay that ICE finds was beyond an alien's control.

II. Overview of Ratification

To resolve any uncertainty, the Secretary of Homeland Security has decided to ratify all civil penalties issued under the interim adoption of 8 CFR part 281 from June 27, 2025, through October 13, 2026. Under established case law, any agency may, through ratification, "purge[] any residual taint or prejudice left over from" a potential defect in a prior governmental action.[1] The Department of Homeland Security is issuing this ratification out of an abundance of caution, and this ratification is not a statement that the fines covered by this ratification would have been invalid absent this ratification.

III. Ratification

The Secretary of Homeland Security hereby ratifies all final civil penalty decisions, as defined in 8 CFR 281.1(f)(3), issued pursuant to the procedures codified at 8 CFR part 281 from

[1] *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 920 F.3d 1, 13 (D.C. Cir. 2019).

June 27, 2025, through October 13, 2026, except for those that have been reversed on appeal, are currently pending appeal, or have otherwise been reopened and rescinded pursuant to 8 CFR 281.1(f)(1). Any respondent alien who asserts that he or she has been prejudiced by the interim regulations may raise that claim to ICE to evaluate whether such prejudice has been shown and what remedy, if any, is appropriate. This process is not an additional appeal mechanism; rather, it is limited to claims of prejudice for civil penalties issued under the interim regulations.

To raise a claim, please email IFRCivilFinesReview@ice.dhs.gov. In the subject line of the email, please provide the respondent alien's full name, date of birth, and alien registration number. This claim must also contain the respondent alien's current address and current phone number, the penalty tracking number of the respondent alien's applicable civil penalty, and an invoice number (if applicable). ICE will not review claims that fail to include the above-listed required information. All claims must be received by ICE on or before [**INSERT DATE 21 DAYS FROM THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER***].

Markwayne Mullin
Secretary,
U.S. Department of Homeland Security.
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