



FACT SHEET

Mandatory Surrender Proposed for Persons With Final Removal Orders

The Immigration and Naturalization Service (INS) is proposing a rule that will require aliens who are subject to final orders of removal to surrender himself or herself within 30 days to INS once those orders become final. Anyone who fails to surrender as required will be denied discretionary relief from removal—including asylum, adjustment to permanent resident status, change of status, waivers of inadmissibility for immigrants, cancellation of removal, voluntary removal, registration of LPR status—at any time while he or she remains in the United States, and for a period of ten years after the alien's departure from the United States. This rule also establishes procedures for surrender to INS.

In the past, 89 percent of non-detained individuals with final orders of removal failed to surrender for deportation when ordered to do so. Under this rule, persons not detained at the time an order of removal becomes final will have a legal obligation to surrender to INS within 30 days of the issuance of an administratively final order of removal.

The proposed rule will be published in the Federal Register for public comment. This rule is substantially the same as a proposed rule published by former Attorney General Janet Reno on September 4, 1998. However, that rule only would have applied to individuals facing removal orders in the future, after publication of the final rule. It consequently would have exempted hundreds of thousands of individuals currently in removal proceedings, even though there would be many opportunities to provide the necessary notice to the alien. The new proposed rule includes aliens already in proceedings because they will receive legally adequate notice.

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