

July 25, 2025

CONTACT: Amanda Bent, Dir. of Communications & Advocacy

Spring Institute for Intercultural Learning

Phone: (720) 863-4674, outreach@springinstitute.org

Dear Office of Regulatory Affairs & Policy and Ms. Gorman,

Spring Institute for Intercultural Learning urges the Department of Homeland Security (DHS) and its component U.S. Immigration and Customs Enforcement to immediately reconsider and rescind the Interim Final Rule (IFR) on “Imposition and Collection of Civil Penalties for Certain Immigration-Related Violations,” published on June 27, 2025.

We have detailed our concerns below:

- (1) This IFR did not follow a standard notice and comment period, instead immediately implementing the rule upon its publication. This violates the Administrative Procedures Act (APA), depriving the public of their right to comment on a rule and fully understand its implications *before* implementation.
- (2) This IFR weakens due process protections, restricting individuals’ options for appeal and increasing the likelihood that individuals (a) are unjustly subject to civil penalties and/or (b) do not receive notification of a civil penalty due. The IFR weakens due process by:
 - removing the ‘Notice of Intention to Fine’ (NIF);

Previous rules required DHS to send a ‘Notice of Intention to Fine’ (NIF) to an individual before the fine itself went into effect, allowing that individual 30 days after receipt of the NIF to contest the fine. The IFR does away with the NIF step.

This change will reduce the time people have to understand and respond to fines, seek legal advice, and consider and log an appeal.

- “shortening the timeline for an alien to contest a civil penalty decision;”

In addition to the removal of the NIF, the IFR cuts the appeal time in half, giving individuals only 15 days to appeal after a fine is issued (previous rules allowed 30 days). Again, this change imposes a timeline that is both unrealistic and unfair.

Numerous factors make this IFR and its associated civil penalties complicated and difficult to understand, and a 15-day timeframe is simply insufficient. Many individuals who arrived in the United States as children may not know that they have a removal order

*against them, and will need time to fully understand the fine and its implications. Others may struggle to understand fine-related communications that are not delivered in their primary language – we can expect this may commonly occur, especially given the [Department of Justice’s recent memo directing a reduction in multilingual services at federal agencies](#). Nearly all individuals will be unfamiliar with the new provisions of the IFR, and will struggle to understand the legal nuances of the various civil penalties, on whom they are imposed, and through what processes. **These and other factors make the shortened, 15-day appeal timeframe both unrealistic and unfair.***

- removing the option to request an in-person interview and “creating a simplified process for aliens to . . . contest civil penalties through a written appeal that will be decided by a DHS supervisory immigration officer, rather than the BIA” (Board of Immigration Appeals);

Under previous rules, individuals could request an in-person interview to contest the fines, and could submit written appeals through the Board of Immigration Appeals (BIA).

*The IFR strikes the option for an in-person interview, and shifts the responsibility of reviewing written appeals from the BIA to a DHS supervisory immigration officer. **These changes reduce protections that ensure that a person’s appeal is presented thoroughly and considered fairly.***

- “allowing DHS to serve civil monetary penalty decisions and orders by ordinary mail.”

Previous rules required that communications be sent by certified mail or served in person, guaranteeing that information about the fine reached its intended recipient. The IFR removes this provision, instead allowing communications to be sent by ordinary mail.

This change will dramatically increase the likelihood that intended recipients do not receive information about their fine, miss their appeal window, and unknowingly accrue large amounts in civil penalties.

- (3) This IFR attempts to enforce unrealistically high civil penalties.

Many of the penalties included in the IFR will result in unreasonably high fines that a large majority of individuals will be unable to pay. For example, any person who does not depart after being ordered deported or accepting “voluntary departure” will be levied a fine of [\\$988 per day, adjusted for inflation](#). This totals more than **\$360,000 per year**. Again, many individuals who arrived in the United States as children may not know that they have a removal order against them, and some individuals may not receive communications regarding their fine because DHS can now send communications via ordinary mail. Whether or not an individual receives notice of the fine, most – if not almost all – individuals will be unable to pay this amount. Previous rules understood this, and as a result, did not enforce individual civil immigration penalties, with the understanding that the cost of administration would far outweigh any monies collected.

The civil penalties included in this IFR are particularly harmful when paired with [the erosion of a person's right to seek asylum](#). When a person seeking protection arrives at the southern border, not only will they experience severe, unjust, and illegal limitations on their right to seek asylum, they will now be charged a fine of between \$100 and \$500. Furthermore, this IFR does not offer exemptions for persons already in the United States who are not able to return to their home countries because of circumstances outside of their control.

- This IFR will affect many, not few, increasing fear and pushing communities into hiding.

The threat of high civil penalties will increase fear among communities and push people to further disengage from society. Increased fear will mean more children missing school, more parents missing work, and more people delaying essential medical care.

One of the primary, self-proported goals of the IFR is to “promote public safety.” This rule will have the opposite effect. For one, [immigrants are less likely than US-born individuals to commit crimes](#), and the civil penalties in this IFR will apply to individuals whether or not they have a violent criminal conviction (or any criminal conviction at all). More importantly, however, this IFR will decrease public safety by increasing fear – victims and witnesses to crimes will be less likely to report those crimes to law enforcement, making all of us less safe.

Spring Institute for Intercultural Learning urges the Department of Homeland Security (DHS) and its component U.S. Immigration and Customs Enforcement to immediately reconsider and rescind the Interim Final Rule (IFR). We encourage elected officials and members of the public to speak out against this and other harmful actions that dehumanize and threaten valued, contributing members of our communities.