



U.S. Immigration
and Customs
Enforcement

Fact Sheet

August 5, 2008

ICE Scheduled Departure

Overview

U.S. Immigration and Customs Enforcement's (ICE) Scheduled Departure Program allows fugitive aliens who have no criminal history and who pose no danger to the community an opportunity to work with ICE to plan their return to their home countries. Qualifying participants who surrender will be conditionally released while their departure is pending. Participants can use this time to make arrangements for the care of their family members and the shipment of property. An ICE fugitive is defined as an alien who has failed to depart the United States after a final order of removal, deportation or exclusion; or who has failed to report to ICE after receiving notice to do so.

The Scheduled Departure Program is advantageous for participants because all fugitives ordinarily risk arrest and detention by fugitive operations teams. In most instances, fugitive aliens remain in custody and removal could be immediate.

The Scheduled Departure Program will not alter a participant's immigration status or provide any immigration benefit. The program is not a form of voluntary departure or voluntary return. ICE will continue to enforce the final order of removal, deportation or exclusion. The Scheduled Departure Program will allow participants to comply with the law and minimize the impact on their families.

The pilot program will initially be conducted in the following locations from August 5 – 22, 2008: Charlotte, NC; Chicago, IL; Phoenix, AZ; San Diego, CA; Santa Ana, CA (Los Angeles area). The Scheduled Departure Program may be expanded at a later date.

Background

U.S. Immigration and Customs Enforcement (ICE) established the National Fugitive Operations Program (NFOP) to dramatically expand the agency's efforts to locate, arrest, and remove fugitives from the United States. ICE gives top priority to cases involving aliens who pose a threat to national security and community safety, including members of transnational street gangs, child sex offenders, and aliens with prior convictions for violent crimes.

ICE's Fugitive Operations Teams are responsible for reducing the fugitive alien population in the United States. The Fugitive Operations Team officers and agents utilize intelligence-based information and leads to locate and arrest aliens who have been ordered to leave the country by an immigration judge, but have failed to comply.

Following many targeted operations looking for specific fugitives, ICE has been asked about any program where non-criminal fugitive aliens could turn themselves in rather than facing arrest at their residence or other locations. ICE Scheduled Departure Program was developed in response to those inquiries, specifically to work with non-criminal fugitives.

Key Facts

- ICE is implementing this program for individuals who demonstrate that they intend to comply with their removal as ordered by law. Participants in ICE Scheduled Departure must be **Non-criminal ICE fugitives who are not subject to mandatory detention, who pose no danger to the community and have the ability to verify departure**. Participants may bring the following: passport or other travel document, OR completed passport application from consulate, OR airline tickets with open travel dates. Mexican nationals may be exempted from the requirement to provide a travel document or airline tickets.
- Certain ICE fugitives are subject to mandatory detention: those who are removable for criminal offenses or national security reasons.
- ICE will conditionally release non-criminal fugitive aliens who pose no danger to the community who actively demonstrate that they are beginning departure arrangements. Participants will be supervised with either an alternative to detention or an Order of Supervision. Under no circumstances will any individual deemed to be a threat to the community be released.
- Participation in ICE Scheduled Departure Program will not alter the participant's immigration status or provide any immigration benefit. Removal from the United States will continue, and participants are still subject to all applicable immigration laws, including bars to readmission to the US. Documentation noting the non-criminal fugitive alien's voluntary participation in the program will be placed in the immigration file and may be considered as a factor in any future application.
- ICE Scheduled Departure is not a form of voluntary departure or voluntary return. Participants will continue to have a final order of removal, deportation or exclusion.
- ICE has contacted non-governmental organizations (NGOs), foreign consulates and other organizations in an effort to widely distribute information on the new program.
- ICE set up a toll free number for ICE fugitives to obtain more information on the program—(866) 880-6344. The toll free number is available 24/7 in English and Spanish, and will be staffed Monday through Friday from 8:00am to 6:00pm Eastern Time.
- Program information may also be accessed through the ICE website at ice.gov.

Frequently Asked Questions:

Who qualifies for the Scheduled Departure Program?

This program is designed solely for fugitives with no criminal record, who pose no danger to the community and who have the ability to verify their departure from the United States.

How do I know if I am a fugitive?

You are a fugitive if you were previously ordered removed from the United States, but have illegally remained in the United States.

Why should I participate in the Scheduled Departure Program?

Participation will place you in compliance with the law. You can end your risk of sudden arrest and detention by scheduling your removal. It will allow you to make removal arrangements without being held in custody. These factors will ease your transition and minimize the impact on your family.

Why did ICE create this program? Is the Scheduled Departure Program replacing the National Fugitive Operations Program and the Fugitive Operations Teams?

Absolutely not. ICE is funded for 104 Fugitive Operations Teams and we will continue our congressionally mandated mission to reduce the fugitive alien backlog. The Scheduled Departure Program provides ICE another method to enforce immigration laws, and to specifically work with non-criminal fugitive aliens who pose no danger to the community. Non-governmental organizations and consular officials have suggested the need for a new program of this type.

How do I know this program is not a trick to simply arrest me?

This program is designed to allow fugitive aliens to comply with the law. The concept is simple and transparent. Aliens who have a criminal record, are a danger to the community or who pose a national security threat will be arrested. We are contacting community-based organizations, foreign consulates and other groups who work with the immigrant community to make them aware of this new program. You are encouraged to consult your attorney, community-based organizations or your consulate to ask whether you may qualify for the program.

When and where should I report?

Contact your local ICE Office of Detention and Removal Operations for specific reporting information. Information may also be found by calling 1-866-880-6344 or online at www.ice.gov.

What will happen when I report?

When you report, ICE will verify your identity and assess whether you qualify to participate in the program. Those who qualify will not be taken into custody, but will have to report regularly to ICE. An ICE officer will explain the next steps you must take for your removal from the United States.

Can I bring an attorney or a community group representative?

You may bring an attorney or other representative. An ICE officer will fully explain your rights and program requirements.

If I am a fugitive and my family members are also here in the country illegally but are not fugitives, what will happen to them?

This program is only for non-criminal fugitives who pose no danger to the community, who voluntarily report their immigration status and demonstrate their willingness to return to their home countries. ICE will allow you to arrange for your family to depart with you. U.S. citizens or aliens with a legal immigration status cannot be removed by ICE from the United States, but you may coordinate their departure with yours. If your family is in removal proceedings but still does not have a final order of removal your family may not qualify for the program.

Who pays for my removal and my family's removal or departure?

If you are able to provide for your own departure, you would be allowed to make your own travel arrangements. In certain cases as appropriate, ICE will pay for your removal and set your itinerary for you.

When will my removal take place?

Many factors affect when your removal will take place. Most removals will occur within a month; however, ICE may allow some participants more time.

What happens if my removal takes longer? Will I have to go into ICE custody?

All aliens are required to assist ICE in their removal. If you are meeting your reporting and/or supervision obligations and cooperating as required, you may remain out of custody until the removal is arranged.

What happens if I will leave the United States from another state?

ICE will provide you with instructions on how to confirm your departure from another state.

Further information can be located at: <http://www.ice.gov>