

§ 241.1

8 CFR Ch. I (1–13 Edition)

4013(c)(4); Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 101, *et seq.*); 8 CFR part 2.

SOURCE: 62 FR 10378, Mar. 6, 1997, unless otherwise noted.

Subpart A—Post-hearing Detention and Removal

§ 241.1 Final order of removal.

An order of removal becomes final in accordance with 8 CFR 1241.1.

[70 FR 673, Jan. 5, 2005]

§ 241.2 Warrant of removal.

(a) *Issuance of a warrant of removal—*
(1) *In general.* A Form I–205, Warrant of Removal, based upon the final administrative removal order in the alien's case shall be issued by any of the following immigration officials:

- (i) Director, Detention and Removal Operations;
- (ii) Deputy Assistant Director, Field Operations;
- (iii) Field Office Directors;
- (iv) Deputy Field Office Directors;
- (v) Assistant Field Office Directors;
- (vi) Officers in Charge;
- (vii) Special Agents in Charge;
- (viii) Deputy Special Agents in Charge;
- (ix) Associate Special Agents in Charge;
- (x) Assistant Special Agents in Charge;
- (xi) Group Supervisors;
- (xii) Resident Agents in Charge;
- (xiii) District Field Officers;
- (xiv) Chief Patrol Agents;
- (xv) Deputy Chief Patrol Agents;
- (xvi) Assistant Chief Patrol Agents;
- (xvii) Patrol Agents in Charge;
- (xviii) Unit Chief, Law Enforcement Support Center;
- (xix) Section Chief, Law Enforcement Support Center;
- (xx) Port Directors;
- (xxi) Deputy Port Directors;
- (xxii) Assistant Port Directors;
- (xxiii) Director, Field Operations;
- (xxiv) Deputy Director, Field Operations;
- (xxv) Assistant Director, Field Operations; and
- (xxvi) Other officers or employees of the Department or the United States who are delegated the authority as pro-

vided in 8 CFR 2.1 to issue Warrants of Removal.

(2) *Costs and care during removal.* The immigration officials listed in paragraphs (a)(1)(i) through (xxv) of this section, and other officers or employees of the Department or the United States who are delegated the authority as provided in 8 CFR 2.1, shall exercise the authority contained in section 241 of the Act to determine at whose expense the alien shall be removed and whether his or her mental or physical condition requires personal care and attention en route to his or her destination.

(b) *Execution of the warrant of removal.* Any officer authorized by 8 CFR 287.5(e)(3) to execute administrative warrants of arrest may execute a warrant of removal.

[70 FR 67089, Nov. 4, 2005]

§ 241.3 Detention of aliens during removal period.

(a) *Assumption of custody.* Once the removal period defined in section 241(a)(1) of the Act begins, an alien in the United States will be taken into custody pursuant to the warrant of removal.

(b) *Cancellation of bond.* Any bond previously posted will be canceled unless it has been breached or is subject to being breached.

(c) *Judicial stays.* The filing of (or intention to file) a petition or action in a Federal court seeking review of the issuance or execution of an order of removal shall not delay execution of the Warrant of Removal except upon an affirmative order of the court.

(d) *Information regarding detainees.* Disclosure of information relating to detainees shall be governed by the provisions of 8 CFR 236.3.

[62 FR 10378, Mar. 6, 1997, as amended at 70 FR 673, Jan. 5, 2005]

§ 241.4 Continued detention of inadmissible, criminal, and other aliens beyond the removal period.

(a) *Scope.* The authority to continue an alien in custody or grant release or parole under sections 241(a)(6) and 212(d)(5)(A) of the Act shall be exercised by the Commissioner or Deputy Commissioner, as follows: Except as