



COMMUNITY EXPLAINER

THE COSTS OF SELF-DEPORTATION

The Trump Administration is trying to intimidate people into self-deporting in order to avoid their intentionally violent enforcement tactics of arrest, detention, and even deportation to a “third country,” meaning a country other than the person’s country of origin. At the same time, the Administration is promising money or other incentives to those who self-deport, including suggesting that people who self-deport may be able to return lawfully to the United States in the future. It is understandable that people feel an intense pressure right now to give up their cases or long-time residence in the United States. Nevertheless, there are serious costs to self-deportation that people should be aware of before they make such a difficult decision.

1. You may not be able to come back for a long time – or at all.

First, in order to come back to the United States without facing criminal consequences (more on that below), you need to have a basis for returning. For most people, this will be a qualifying relative (a spouse or parent who is a U.S. citizen or lawful permanent resident, or a child over 21 years of age or sibling over 21 years of age who is a U.S. citizen) who submits an immigrant visa for you to be able to come to the United States as a lawful permanent resident. **For many people, there may be no basis for returning to the United States on a permanent basis;** even for those who do have a qualifying relative, the backlogs for these visas are very long for some countries and family relationships. For example, if a United States citizen petitioned for her sibling, a Mexican citizen, the wait time for the visa would be approximately 24 years. Many of these same backlogs exist for people who might want to come back into the United States on an employment visa, tourist visa, or other temporary visa. Likewise, it may be difficult for workers or visitors on temporary visas who overstayed those visas to return to the United States on a new visa.

Second, people who have lived in the United States as an undocumented person face what are known as the **3-year, 10-year, and permanent bars** to returning. If you have lived in the United States as an adult without permission (including if your visa has expired) for:

- over six months but under a year, you must wait outside the U.S. for 3 years before potentially becoming eligible for a visa;
- over a year, you must wait outside the U.S. for 10 years before potentially becoming eligible for a visa.

Some people can get a waiver, or special permission, to come back before 3 or 10 years have passed, [but the waiver is difficult to get. This practice advisory](#) is very dense, but contains a lot of information about the bars and waivers.

Some people are *never* allowed to return to the United States because they are subject to a permanent bar. This generally includes people who have:

- returned without permission after being deported, or
- lived here for over a year as an undocumented person (whether adult or child) and who leave the United States and then return without permission.

While there is a process to request permission to re-enter the United States if you triggered the permanent bar, you must live outside the United States for at least 10 years before applying.

People who are deported are also subject to so-called time bars before they are potentially eligible to return to the United States. People who have been deported through:

- expedited removal must wait 5 years;
- regular deportation proceedings **(or who leave by themselves after the deportation order is issued)** must wait for 10 years;
- someone who has been deported more than once must wait 20 years;
- people who are in removal proceedings and who miss a hearing (*i.e.*, leave before the court proceedings are complete) must wait for 5 years;
- additionally, a person who was deported because they committed an aggravated felony – a technical term that encompasses many low level crimes – can *never* return unless they receive a special waiver.

2. You could face other barriers to returning to the United States, including barriers due to criminal convictions that you received before self-deporting.

Many criminal convictions can make you ineligible to return to the United States on a visa, whether or not the conviction was the basis for your deportation or your reason for leaving the country. These are known as “criminal grounds of inadmissibility.” A “crime involving moral turpitude,” which includes most theft and fraud crimes, and some assault crimes, makes someone ineligible (with a single exception for a juvenile or petty offense), and multiple convictions with a combined sentence of five years or more will as well. While waivers are available for some convictions, **any drug-related conviction, no matter how minor, makes someone permanently ineligible to return to the U.S. through any visa.**

Criminal convictions are not the only conduct-related bars: anyone who has lied in order to get an immigration benefit likely can never get a visa to return to the United States; nor can anyone who has falsely claimed to be a United States citizen to gain a benefit – and there is no waiver.

3. What the consulate decides is final.

If you apply for a visa and it’s denied for any of the above reasons, even if you think the consulate has made a mistake about your visa application or a waiver application after you self-deport, there is no way to sue the consulate in order to get a visa that you are eligible for. Once you are outside of the United States, you don’t have the same rights to due process – meaning an opportunity to fight back before the government acts against you – and if the consulate denies your visa, you are not allowed to appeal that decision.

4. You may lose the ability to continue to fight your case.

Some people don't want to be or remain detained and decide to self-deport or be deported because they believe they can still fight their cases from their countries of origin. While there are different mechanisms you can use to depart the United States if you are in deportation proceedings (have hearings with the immigration court), a departure from the United States without pre-approval usually leads to the abandonment of your application for relief from deportation. The immigration court may enter a deportation order against you after you have left the United States, even if you self-deported. If you were ordered removed by an immigration court and filed an appeal, leaving the United States will generally lead to an automatic withdrawal of your appeal, with some exceptions. While you can generally continue an appeal before a federal circuit court from abroad, there are practical difficulties in doing so, including maintaining a current address with the court and ensuring you meet various deadlines. Also, even if you win your case and it gets sent back to the immigration court, it is difficult to get ICE to bring you back to the United States in order to keep fighting your case. In fact, ICE has *no* procedure in place to bring back people who win motions to reopen, which allow a person to go back to immigration court to present new evidence. Reopening your case is meaningless if you can't actually participate in your immigration proceedings because you are not in the country.

Also, if you are applying for asylum, withholding of removal, and protection under the Convention Against Torture and you voluntarily return to your country of origin, it could hurt your application because the government will assume that you were not really afraid. While a U visa application for victims of certain crimes can be granted outside of the United States, a T visa application for victims of human trafficking cannot be.

5. If you return to the United States without permission, you could be charged a steep fine and you could be prosecuted and imprisoned.

People who return to the United States without permission after being ordered deported have, for years, faced fines and federal prison sentences if they are prosecuted and convicted. The baseline sentence is a fine and/or up to two years in prison. However, if you unlawfully return and have committed three or more misdemeanors involving drugs or violence or a felony, you could face up to 10 years in prison. And, if you reenter after having been convicted of an aggravated felony, you could face up to 20 years in prison. Unlawful re-entry laws only apply to persons with deportation orders, but a similar law goes after people who are caught entering the United States without permission, whether they are first-time entrants or returning after self-deporting. Advocates are seeing more of both of these categories of prosecution than they used to, so the risk may be higher than it previously was.

In addition to these long-existing penalties, the [One Big Beautiful Bill Act](#) signed into law on July 4, 2025 imposes a new minimum \$5,000 fee for any person detained immediately after crossing the border without permission. The same law now imposes a \$5,000 fee on people who received a removal order from an immigration court because they did not attend their hearing, due upon detention by ICE. ICE has not yet stated how it plans to collect these fees, or what happens when an immigrant cannot afford them.

Anyone considering self-deportation should understand the many and real barriers to return to the United States. At the same time, people need to weigh these costs with the potential risk of detention and with the new fees being levied by DHS.