as of the date of applicant's departure from the United States. A decision on the NACARA application shall be issued in accordance with paragraph (a), and paragraphs (c) through (e) of this section.

PART 1241—APPREHENSION AND DETENTION OF ALIENS ORDERED REMOVED

Subpart A—Post-hearing Detention and Removal

Sec.
1241.1 Final order of removal.
1241.2 Warrant of removal; detention of aliens during removal period.
1241.3–1241.5 [Reserved]
1241.6 Administrative stay of removal.
1241.7 Self-removal.
1241.8 Reinstatement of removal orders.
1241.9–1241.13 [Reserved]
1241.14 Continued detention of removable aliens on account of special circumstances.
1241.15 Lack of jurisdiction to review other country of removal.
1241.16–1241.19 [Reserved]

Subpart B—Deportation of Excluded Aliens (for Hearings Commenced Prior to April 1, 1997)

1241.20 Aliens ordered excluded.
1241.21–1241.29 [Reserved]

Subpart C—Deportation of Aliens in the United States (for Hearings Commenced Prior to April 1, 1997)

1241.30 Aliens ordered deported.
1241.31 Final order of deportation.
1241.32 Warrant of deportation.
1241.33 Expulsion.

AUTHORITY: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1223, 1224, 1225, 1226, 1227, 1231, 1251, 1253, 1255, 1330, 1362; 18 U.S.C. 4002, 4013(c)(4).

SOURCE: 62 FR 10378, Mar. 6, 1997, unless otherwise noted. Duplicated from part 241 at 68 FR 9840, Feb. 28, 2003.

EDITORIAL NOTE: Nomenclature changes to part 1241 appear at 68 FR 9846, Feb. 28, 2003, and 68 FR 10357, Mar. 5, 2003.

Subpart A—Post-hearing Detention and Removal

§ 1241.1 Final order of removal.

An order of removal made by the immigration judge at the conclusion of proceedings under section 240 of the Act shall become final:

(a) Upon dismissal of an appeal by the Board of Immigration Appeals;

(b) Upon waiver of appeal by the respondent;

(c) Upon expiration of the time allotted for an appeal if the respondent does not file an appeal within that time;

(d) If certified to the Board or Attorney General, upon the date of the subsequent decision ordering removal;

(e) If an immigration judge orders an alien removed in the alien's absence, immediately upon entry of such order; or

(f) If an immigration judge issues an alternate order of removal in connection with a grant of voluntary departure, upon overstay of the voluntary departure period except where the respondent has filed a timely appeal with the Board. In such a case, the order shall become final upon an order of removal by the Board or the Attorney General, or upon overstay of any voluntary departure period granted or reinstated by the Board or the Attorney General.

§ 1241.2 Warrant of removal; detention of aliens during removal period.

For the regulations of the Department of Homeland Security with respect to the detention and removal of aliens who are subject to a final order of removal, see 8 CFR part 241.

[70 FR 674, Jan. 5, 2005]

§§ 1241.3–1241.5 [Reserved]

§ 1241.6 Administrative stay of removal.

(a) An alien under a final order of deportation or removal may seek a stay of deportation or removal from the Department of Homeland Security as provided in 8 CFR 241.6.

(b) A denial of a stay by the Department of Homeland Security shall not preclude an immigration judge or the Board from granting a stay in connection with a previously filed motion to reopen or a motion to reconsider as provided in 8 CFR part 1003.

(c) The Service shall take all reasonable steps to comply with a stay granted by an immigration judge or the Board. However, such a stay shall cease