



## U.S. Department of Justice

### Criminal Division

*Office of International Affairs*

*Washington, D.C. 20530*

MEMORANDUM TO: All Federal, State and Local Prosecutors in the United States

FROM: U.S. Department of Justice, Criminal Division,  
Office of International Affairs

SUBJECT: Advisory on Flight of Foreign Nationals to Avoid Prosecution

DATE: December 6, 2019

Citizens of foreign countries who are facing criminal charges in the United States may seek to flee the United States to avoid prosecution. It is possible that other individuals located in the United States or overseas, as well as some foreign governments, may assist the person charged to flee the United States to avoid prosecution. Assistance may include providing monetary aid to enable the posting of bail, help in obtaining or replacing travel documents, or arranging undetected travel out of the United States. Such assistance could occur at any time: in anticipation of arrest, while pending trial, or even after conviction.

These situations are exacerbated when they involve the citizens of countries with which the United States does not have an extradition treaty or countries that do not extradite their nationals. Under such circumstances, typically, there is no mechanism for obtaining the return of those fugitives to the United States from their home countries.

If you have a prosecution in which a foreign national is seeking bail or similar release, and you are concerned that he or she may be a flight risk, please contact OIA at (202) 514-0000 and ask to speak with the regional team attorney for the country of which the fugitive is a citizen. OIA may be able to provide assistance in developing arguments in support of the fugitive's detention, including advising on whether the United States would be able to extradite the person from the relevant country.

If you are aware of situations in which the defendant has become a fugitive from justice under the circumstances described above, please contact the U.S. Marshals Service. It is a federal crime to knowingly flee the United States to avoid prosecution for a crime, including a prosecution under state law.