

Frequently Asked Questions: Compensating Victims with Forfeited Assets

1. What is asset forfeiture?

Asset forfeiture is the taking of property by the government, without compensation, because it was used or obtained in a manner contrary to the law.

2. What is the Asset Forfeiture Program and what are its goals?

The Department of Justice (Department) Asset Forfeiture Program (Program) is responsible for the seizure, management, forfeiture, and disposition of assets that were gained from or used in federal crimes. The Program has four primary goals:

- (1) Punish and deter criminal activity by depriving criminals of property used in or acquired through illegal activities.
- (2) Promote and enhance cooperation among federal, state, local, tribal, and foreign law enforcement agencies.
- (3) Recover assets that may be used to compensate victims when authorized under federal law.
- (4) Ensure that the Program is administered professionally, lawfully, and in a manner consistent with sound public policy.

See [Attorney General's Guidelines on the Asset Forfeiture Program](#) (2018) for additional information on the Asset Forfeiture Program.

3. What is the Money Laundering, Narcotics and Forfeiture Section (MNF) and what is its mission?

The Criminal Division's MNF Section leads the Department's Asset Forfeiture Program. MNF's mission is to take the profit out of crime, eliminate drug cartels, and protect the U.S. financial system.

4. What is remission?

Remission is the process by which the Department compensates victims of crimes using assets forfeited from the perpetrators. The regulations at [28 C.F.R. Part 9](#) govern the remission process. Remission is a discretionary decision made by the Attorney General and is only available to victims who qualify based on the crime connected to the forfeiture. The Assets Forfeiture Fund is not a "general" victim fund that provides support to any victim of crime.

5. Are remission and restitution the same?

Remission and restitution are not the same. The remission process, described above, is set forth in 28 C.F.R. Part 9. Restitution is a court-ordered equitable remedy intended to reimburse crime victims for losses incurred due to the offender's crime. Restitution and remission may not always cover the same losses. See [Restitution Process](#) for additional information.

6. How do I know if I qualify as a victim for remission?

Victims are generally identified by the seizing agency, such as the Federal Bureau of Investigation (FBI), during its investigation or notified by the United States Attorney's Offices (USAOs). If remission is a possibility, the USAO or seizing agency will provide victims with information on how to file a petition. Payment is not required to submit a petition.

To be eligible for remission, MNF determines if you have demonstrated that: (1) you suffered a pecuniary loss of a specific amount; (2) the loss is the direct result of the criminal acts; (3) you did not knowingly contribute to, participate in, benefit from, or act in a willfully blind manner towards the offense; (4) you have not in fact been compensated for the loss; and (5) you do not have other recourse reasonably available to obtain compensation for the loss. See 28 C.F.R. § 9.8(b).

In large cases, MNF often hires a third party "Remission Administrator" to assist with processing the remission petitions. Please check the official [case website](#) for additional eligibility information.

7. Is there a fee to participate in remission?

There is no fee for filing a petition for remission. Neither the Department nor the Remission Administrator charge fees to file a petition or to participate in the remission process. Please beware of other websites, entities, or communications you may receive claiming to be Department personnel or the Remission Administrator.

8. Do I need an attorney to participate in remission?

No, you do not need an attorney to file a petition; however, you have the right to be represented by an attorney if you choose to hire one.

9. How long does the remission process take?

Before remission can occur, the government must first identify, seize, and forfeit assets. The legal process to finalize a forfeiture can be lengthy, especially if the forfeiture is part of a criminal prosecution.

After the forfeiture is complete, the government must sell the property, identify and notice potential victims of the remission process, and then review and evaluate all the petitions.

MNF cannot provide a timeline for when the necessary processes will be completed and when a decision will be made. The Department is committed to compensating victims as quickly as practicable, however the steps outlined above may take a considerable amount of time.

10. If I qualify as a victim, how much will I receive?

Remission is not a general victim compensation program, rather it is the mechanism in which net proceeds of finally forfeited assets can be used to compensate the victims of the crime in that case. Net proceeds mean the value of any assets the Department forfeits after paying costs associated with the forfeiture. If the net proceeds are less than the eligible victims' total losses, the funds are distributed proportionally. In most cases, the funds available for remission do not fully compensate the victims.

Please note that the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3716 requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent non-tax debts owed to the United States, or delinquent debts owed to states, including past-due child support enforced by states. This means that if you owe certain debts, these debts will be deducted from any remission payment you may receive. If you believe that your payment may be subject to an offset, you may contact the Treasury Department at (800) 304 3107.