

Bond Requirement

- What is Bond?
 - The bond is a certain amount of money the immigration judge asks for, as a guarantee that you will attend all your hearings. You are promising that, if they release you from the detention center, you will attend all your immigration hearings. It is important that, if granted bond, you attend to every hearing otherwise you'll be likely deported without a chance to submit evidence that you qualify for bond.
 - If you attend all your hearings, your money will be returned to you.
- Who Assigns a Bond?
 - ICE usually assigns detainees a bond when they are detained. The bond amount varies depending on each case, but the minimum amount is \$1,500. When someone is first detained by ICE, they are taken to a local ICE processing office where an ICE officer makes a custody determination, deciding whether the person should remain in custody or should be released

- Who Does Not Qualify?
 - Some individuals will not be eligible for bond. Notably, immigrants coming or attempting to come into the United States at a port-of-entry and immigrants with certain criminal convictions or terrorism concerns can be subject to mandatory detention
 - An individual who entered the United States without legal papers is considered an "arriving alien" under the immigration laws, but can request a bond hearing if they are not in mandatory detention.
 - If ICE has determined that you are subject to mandatory detention, then you are not eligible for bond review.

Bond Eligibility Continued

- Who Qualifies?
 - Everyone else who does not fall in the above group and can prove that they are not a danger to the community and are not a flight risk.
 - Danger to the Community- Facts the Immigration Judge looks at:
 - (1) criminal history in the record, number of arrests/convictions, the

nature of the arrests/convictions, the length of the sentences, your compliance with sentences, and his or her record of rehabilitation

- (2) Criminal activity even if no arrest or conviction occurred, should be disclosed by the detained person.
- (3) Testimony regarding negative or illegal conduct that you may not have been arrested for.

- Flight Risk- Factors the Court considers:
 - (1) whether the person has a fixed address
 - (2) the length of residence in the U.S.;
 - (3) family ties in the U.S.;
 - Employment history;
 - Record of appearance in court;
 - Criminal history (including how recent and serious);
 - (7) history of immigration violations;
 - (8) attempts to flee prosecution;
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- Flight Risk Factor Continued:

Bond Eligibility

- (9) manner of entry into the United States; and
- (10) immigration relief avenues.

How To Ask For a Bond Hearing

- Ask the Judge for a bond hearing at your first hearing. When you ask the judge for a hearing, the judge will usually give you a hearing in the coming days or weeks.
 - You will receive a document called “Notice of Custody Determination,” which comes at the initial detention. Make sure you mark the part that says *[] I do request an immigration judge to review of this custody redetermination.*
- Write the judge a bond hearing request letter. You should include the following information in that letter:
 - (1) Your name.
 - (2) You’re A-number
 - (3) your request to have the hearing as soon as possible.

What Evidence You Should Bring to the Bond Hearing

- A letter from someone who knows you and is willing to give you housing. The letter should state the following:
 - (1) How the sponsor knows you.

- (2) Sponsor’s immigration status. Also, the sponsor should attach proof of such status.
- (3) Sponsor’s address where you will live.
- (4) How the sponsor will support you if released.
- Other Documents
 - Proof that you have relatives that have legal status in the US.
 - Tax records if any.
 - Letters of support from family members.
 - Letters of support from friends and a copy of their identification.
 - Letters from other people that know you (neighbors, landlord, employer, religious leader, etc.)
 - Documents showing community involvement (church, sports, etc.)
 - Letter from you telling the judge why you want to stay in the US.
 - Photos with your family (birthday parties, holidays, etc.)
 - Certificate of Rehabilitation Programs if applicable.
 - Social Security Records.
 - Evidence of property ownership, if applicable.
 - Certificate, diplomas, awards, etc.

What Happens After the Bond Hearing?

- If Bond Granted:
 - Then, any person (relative, friend, legal worker) with status can pay the bond.
 - The person paying the bond can post the bond at any ICE Enforcement and Removal Branch.
- If Bond Denied:
 - You can only ask for reconsideration if there has been an important change in circumstances.