

All About Bonds

What is Immigration Bond?

Immigration bond is a money payment that allows an individual to be released from detention by the Department of Homeland Security (DHS), either while an immigration case is still pending, or to comply with a voluntary departure order. The bond is meant to ensure that once released, the individual complies with all future hearing dates and the final order of the immigration judge. Being released on bond does not mean that you are allowed to stay in the United States - an individual released on bond must continue to comply with all immigration court proceedings, including attending hearings and obeying with departure orders. If the individual complies with all proceedings, the bond money is returned at the end of proceedings. If the individual does not comply, the bond money is lost.

Can anyone apply for Bond?

Not everyone qualifies for bond release. You do not qualify if:

- (1) You were stopped by U.S. officers at the time you were attempting to enter the U.S.;
- (2) You participated in terrorist activities; or
- (3) You have certain criminal convictions; or
- (4) You are subject to mandatory detention; or
- (5) You have lost your immigration case in front of the Judge and did not appeal that decision, or if you appealed the Judge's your appeal was denied.

Generally, if you do NOT fall into one of the categories above, you may request a bond. However, the immigration judge has the discretion to grant or deny bond. Be aware that there is no bond for individuals who are ordered deported.

ICE set a bond amount that is too high for me to pay. Can I get the amount lowered?

You can ask the Immigration Judge to lower your bond by requesting a bond hearing. However, the Immigration Judge does not have the power to lower everyone's bond amount. Also, the Immigration Judge has the power to *raise* the amount or take the existing bond away.

I already had a bond hearing but the Immigration Judge gave me a bond amount that was still too high. Can I ask for another hearing?

No, unless your situation has fundamentally changed.

How do I request a bond hearing?

You can either ask the Immigration Judge for one in person at your first master calendar hearing, or you can fill out the **Motion Requesting Hearing for Bond Determination** and mail to the court: York County Immigration Court, 3400 Concord Road, York, PA 17402. You should also mail a copy to the Office of the Chief Counsel, 3400 Concord Road, York, PA 17402.

I am representing myself. How do I prepare for my bond hearing?

What does the judge look for when deciding whether to grant me bond?

The Immigration Judge will consider the following factors: (1) whether your release would pose a danger to the community; (2) whether you are likely to appear for future immigration proceedings; and (3) whether you are a threat to national security. Bring your supporting documents to your bond hearing, and encourage your friends and family to attend your bond hearing to show support for you. It is important to show the judge:

- Your family ties in the United States and immigration status of your family members.
- Your ties to the community where you live in the United States, including the groups you belong to, such as religious, community groups, or teams;
- Any property that you have and how long you have been living at your current location.
- Your employment history and if you have a job waiting for you.
- Any problem you have had with the police or ICE, and if you have missed any hearings.
- How you came into the country and how long you have been in the United States.
- Your criminal record and whether you have improved or have taken any steps to improve yourself.
- if you have a defense to your deportation (such as asylum, cancellation of removal, etc).

How do I prove to the immigration judge that I should get Bond?

When asking for bond, you must convince the immigration judge that you will comply with your immigration proceedings after release and that you do not pose a danger to the community. As such, it is advisable to present as much evidence in support of your case as possible. Documents that may be helpful include:

- (1) Birth certificates, copies of green cards, and other papers showing that members of your family are U.S. citizens or legal permanent residents.
- (2) Copies of your marriage certificate if your spouse is a U.S. citizen or legal permanent resident.
- (3) Employment pay stubs.
- (4) Proof that you have paid your taxes.
- (5) Certificates from any classes you have completed.
- (6) Any other information that shows you have connections in the U.S. and are a good person.

Additionally, you can submit letters of support from friends and/or family members who know you well and can speak to your good character. *Note: Only friends or family members with U.S. citizenship or legal immigration status in the United States should write letters.* If you were working legally prior to detention, you may also submit a letter from your employer. Letters of support should be in English and must include the writer's full name and immigration status and your full name and Alien number. All letters submitted should be NOTARIZED.

Can I call witnesses to testify on my behalf at my Bond hearing?

Yes. Having friends, family, spiritual advisors, and others who know you and are willing to testify on your behalf will be good for you. **Those who submit letters should also try to attend your court hearing.** *Note: Friends or family members who do not have legal immigration status should NOT attend your hearing, as they may be detained by ICE.*

Do I have to pay my ENTIRE bond amount to get released?

Yes, but you can use a bondsman and only pay a percentage.

Are there bond agencies that can help me pay my bond amount?

Yes. Refer to the **Bond Agencies** on the Referral list. Note that immigration bonds and criminal bonds are not the same.

Who can pay my bond?

A friend or a family member with legal status in the United States can pay the bond at a local ICE facility. Persons without legal status should NOT attempt to pay the bond because that person could be arrested by ICE.

The person supplying the bond money must show proof of identity. This person (the obligor) is responsible for ensuring that you present yourself before an officer or agent of ICE whenever a request is made.

Where is the bond paid?

All bonds can be posted at the *Immigration Customs and Enforcement* office at the York County Prison: 3400 Concord Road York, PA 17402 Please call 717-840-7757 for the times when Bond can be posted.

Or there are also two ICE facilities in Pennsylvania that accept bond payments.

Philadelphia Office: (215) 656-7164, 1600 Callowhill St. 5th Floor, Philadelphia, PA 19130.
The office accepts payments from 8:00 a.m. to 3:00 p.m. Monday through Friday.

Pittsburgh Office: (412) 432-2183, 3000 Sydney St., Suite 100m Pittsburgh, PA 15203.
The office accepts payments from 8:00 a.m. to 2:00 p.m., Monday through Friday.

NO CASH IS ACCEPTED. Only cashier's checks or Post Office money orders made payable to the **United States Department of Homeland Security.**

Make sure that the person paying the bond KEEPS THE RECEIPT. Without the receipt of payment, they will not be able to collect the bond money in the future.

The person who is paying my bond does not live in this area. Can they post the bond in another city or state?

Yes. The person needs to contact the local ICE field office.

If the judge grants me bond, when can I be released?

Once the Immigration Judge enters the order granting a bond, you will be allowed to leave the detention facility once the bond amount has been paid. If you are detained at the York County Prison, you will be released the same day your bond is paid and will usually be taken to Harrisburg's bus station.

When is the bond repaid?

DHS will repay the bond after the end of your entire case, as long as you complete your responsibility to either attend all the scheduled hearings, or to voluntarily depart. It takes three to six months from the date the case is considered over for the government to send the money back to the person who paid. Remember that if you fail to appear at an immigration court hearing, the bond money will be lost, and the person who paid will not be able to get it back.

Two Scenarios for Release on Bond

Bond for On-Going Proceedings

If the immigration judge grants you bond, you MUST continue to attend all future hearing dates. Upon release, you must request that your future court hearing be transferred to the immigration court nearest to the address where you will reside. If you miss one single court date, the court can enter an order of deportation, and you will lose your bond money. You can also lose your right to apply for any relief from removal such as asylum or cancellation. To avoid this, make sure to notify both the Immigration Court and the ICE when you have a new address.

Bond for Voluntary Departure

If the immigration judge grants voluntary departure, you may also request to voluntarily depart under bond. If you request bond, you should also be prepared to argue why the judge should grant you bond. If the judge grants you both voluntary departure and bond, the judge will set a date by which you MUST return to your country of origin. After you are released on bond, you must purchase your own travel ticket and secure your own travel documents (passport or other document to enter your country). You MUST report to the United States consulate in your country BEFORE the deadline that the immigration judge sets – if you do not, your bond money will not be returned to you and your grant of voluntary departure changes to an order of deportation.

What to write in a letter of support

You may bring letters of support from your family, friends, employers (if you were legally working), and religious leaders, among others.

The letters of support must:

- (1) Be written in English (or translated into English).
- (2) Begin with “Dear Honorable Immigration Judge ___”
- (3) State YOUR full name and A number:
 - [Full Name] (A#___-___-___)
- (4) Include the writer’s address and immigration status (if naturalized citizen, include date of naturalization; if LPR, include green card number).
- (5) Explain:
 - The writer’s relationship to you
 - How long the writer has known you
 - Why you are a good person (including specific things s/he’s done, if possible)
 - How the writer knows that you are a responsible person
 - Why the writer believes that you can be trusted to comply with the ruling of the immigration court, no matter the outcome
 - If the writer will be providing help with your housing and food when you are released, they must state so in the letter.
- (6) Mail the letters to you, NOT to the court. If you have legal representation, then the letter should be mailed to your representative.

BOND WORKSHEET

Basic Information

Name: _____

A# _____ Age: _____

Where were you born? _____

Do you have legal permission to live in any other country? ____ Yes ____ No

If so, what country? _____

Were either of your parents born in the U.S.? ____ Yes ____ No

Were either of your grandparents born in the U.S.? ____ Yes ____ No

How long have you been in the United States? _____

What is the address where you plan to stay if you are released from custody?

(Note: Do not list a P.O. Box)

Who lives at that address?

(Note: You are not required to name people who do not have papers in the U.S.)

Immigration Status and Immigration History

Did you ever apply for papers to live in or enter the U.S.? ____ Yes ____ No

When? _____

If so, what kind of papers or legal status did you apply for?

(For example, "I applied for legal permanent residency through my wife," or "I applied for amnesty through field work.")

What happened and when? (For example, "I got my permanent residency on February 12, 1976.")

Have you ever been in immigration court with an immigration judge before? ____Yes ____ No

If yes, when? _____

What happened? _____

If you ever missed a court date in immigration court, explain what happened:

Family Ties to the United States

Are you (circle one or more): married / single / divorced / widowed / engaged?

If married or engaged, does your spouse or fiancé(e) have legal status in the U.S.? ____Yes ____ No

If so, what is your spouse's status? (for example: U.S. citizen, legal permanent resident)

Do you have children? ____Yes ____ No If yes, how many? _____

If your children live in the U.S., what is their legal status?

List all other relatives with legal status in the U.S. and say what status they have.

List by relationship and legal status. (You do not need to put their names).

Relationship (example: mother, uncle) Legal Status

Other Ties to Your Community in the United States

Do you own a house or other property in the U.S.? ____Yes ____ No

If yes, what do you own? _____

If you belong to or participate in any clubs, groups, organizations, or activities (for example: church, volunteering at your child's school), write about that here.

Work History

List the jobs you have had and, as best as you can remember, the dates you had them.

Warning: if you worked with false papers or lied on any forms to get or keep your job, you may not want to answer this question because your answer could be used against you later by the government.

Is there anything you would like to say to the judge about your work history?

If you have a job that you can start (or return to) if you are released, what is the job?

(Note: answer this question only if you have legal permission to work in the U.S.)

Criminal History and Rehabilitation

Date of conviction (If you don't know, guess)	What were you convicted of? (not what you did, but what is on your record)	What sentence were you given (how much time and/or fine)?	Did you miss any court dates for this case? If so, list them all.	How much time did you serve?	Were you given probation or parole? If yes, for how long?	Did you complete or violate your probation/parole? If you violated, did you get sentenced to more time?

Is there anything that you would like to tell the judge about any of these crimes? (For example, the circumstances of the crime; the reasons you missed a court date) (Remember: it does not help you to say that you were innocent of a crime that is yours and that is on your record because the judge must count it against you.)

Have you participated in any programs or classes or done anything else to improve yourself after your crime(s)? (This includes things you did in jail or prison such as Narcotics Anonymous meetings, completing your GED, or jobs in custody.)

What are your plans for the future?

Fear of Returning to Your Country? ____ Yes ____ No

If you are afraid to return to your country, explain why. If anyone hurt or threatened you or anyone in your family, explain what happened.

Anything Else You Think the Judge Should Know

The main things that the judge has to decide are:

- 1) whether you are a danger to people or property, and
- 2) whether you will show up for all your court hearings if you are released.

If you anything more to say about these things, say it here.

(For example, if you have lived many years at the address where you plan to live now, you may be more likely to show up for your hearings.) (Other things to mention: health problems of you or your family members; child support or other obligations).

REMEMBER: AT YOUR BOND HEARING, GIVE THE JUDGE LETTERS OF SUPPORT AND ANY OTHER PAPERS YOU WANT THE JUDGE TO CONSIDER!

Make copies for yourself and the government's lawyer.

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT**

City where court is

State where court is

In the Matter of:

[Your Name]

Respondent

)
)
) **File No. A [Your Alien Number]**
)
)

) **In removal proceedings**
)
)

Immigration Judge _____
Judge's Name

Next Hearing: _____ at _____
Date Time

MOTION TO CHANGE VENUE

The Respondent has bonded out and will be residing at:

(your address outside of detention)

The Respondent requests that his case be transferred to the Immigration Court that covers the area of his residence.

CERTIFICATE OF SERVICE

This original document is being sent by mail to:

Executive Office of Immigration Review
Office of the Immigration Judge

(address of court that handled your case while you were in DHS custody)

I hereby certify that I have served a copy of this motion by mailing a copy to:

District Counsel
Department of Homeland Security

(address of the DHS office that handled your case when you were in DHS custody)

Date: _____ Signed: _____
Respondent (sign your name here)

