

Getting a Bond: Your Keys to Release from Detention



This guide was prepared and updated by the staff of the Florence Immigrant & Refugee Rights Project and was written for immigrant detainees in Arizona who are representing themselves pro se in their removal proceedings. This guide is not intended to provide legal advice or serve as a substitute for legal counsel. The Florence Project is a nonprofit legal services organization and does not charge for its services to immigrant detainees in Arizona. This guide is copyright protected but can be shared and distributed widely to assist indigent immigrants around the country. All of our guides are available to download on our website: www.firrp.org. We kindly ask that you give credit to the Florence Project if you are adapting the information in this guide into your own publication.

Important Words to Know

Immigration Law has a lot of technical words. Here's a list below of some of the words you'll see a lot in this guide and an short explanation of what they mean.

- **Immigration Judge (“Judge”):** this is the person who will make a decision about your case. He or she holds hearings in the courtroom and wears a black robe. This person doesn't work for ICE. It's her job to look at the facts of your case and apply the law fairly.
- **Immigration and Customs Enforcement (“ICE”):** this is the agency that has put you in deportation proceedings and is in charge of detaining you. ICE is part of the Department of Homeland Security, or “DHS.”
- **Government Attorney:** this is the lawyer who represents ICE when you go to your court hearings. He or she sits at the table next to you and also talks to the Judge. It's usually this attorney's job to ask the Judge to order you deported.
- **Deportation:** ICE has put you in deportation proceedings, which are also called “removal proceedings.” If the Judge orders you deported or “removed” from the United States, you will be sent back to the country where you are a citizen and will not be able to return legally to the U.S. for at least ten years.
- **The Florence Project:** this is a group of lawyers and legal assistants who provide free legal help to people without lawyers. The Florence Project wrote this guide to help you understand your case.

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1. What is a Bond?

A bond is a promise to Immigration and Customs Enforcement, or ICE. You are promising that, if they release you from detention, you will go to all your court hearings and do what the Judge orders you to do—even if that includes being deported.

ICE wants you to guarantee your bond with more than just your promise. That's why the Judge will require one of your friends or family members who has legal immigration status in the U.S. to give ICE a certain amount of money to make sure that you keep your promise. The lowest bond that the Judges usually give is \$1500. There is no maximum amount for bond.



If you go to all your hearings and interviews, the person who paid your bond will get the money back at the end of your case. If the Judge orders your deportation, you will have to leave the country in order for the person who paid your bond to get his money back.

Remember, if you get out of detention on bond it is not the end of your deportation case. If you make sure to give the Judge a request to change courts, your case will be moved to the Immigration Court closest to your home so you won't need to come back to the detention center. **But, you will still need to go to all your court dates.** If you miss even one hearing, you will likely be ordered deported without the chance to give evidence to the Judge or ask for permission to stay in the U.S. The bond money will be lost.





This packet will give you the keys you need to be released on bond. It includes information about who is eligible for a bond, how to apply for bond, and what evidence you need to convince the Judge to give you a low bond.

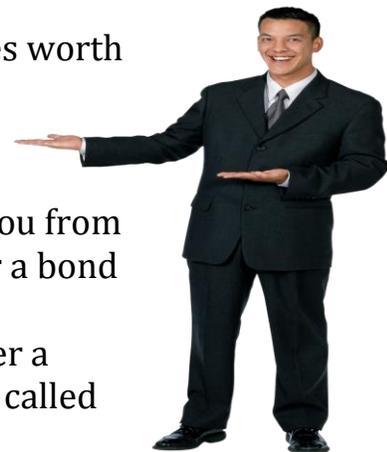
Preparing your case as best you can is one of the keys to getting a low bond and being released from detention, so take your time and gather everything you need. We wish you the best of luck with your case!



2. Am I Eligible for a Bond?

Not everyone can apply for a bond. If you have certain criminal convictions, you will not be allowed to apply for a bond. Your criminal history can affect your chances to apply for a bond. Also, if you've been ordered deported in the past or you are still waiting for an interview with an asylum officer, you won't be able to apply for a bond.

There are a few other types of bonds or releases worth mentioning before we get started with how to apply for bond. The first is a bond for people who have been in detention for a very long time. Even if you have a conviction that stops you from applying for bond, you may be able to apply for a bond once you've spent a certain amount of time in detention. The Florence Project has put together a separate guide for people in this situation, also called "prolonged detention."



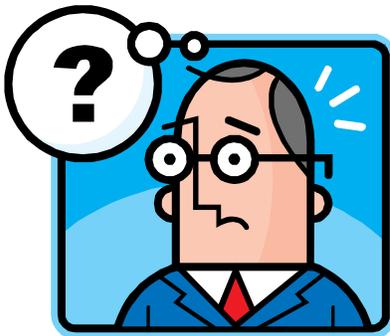
Also, if you can show that you are a United States citizen, you cannot be detained—even if you have very serious criminal history or a

deportation in the past. If you believe that you are a U.S. citizen, tell the Judge as soon as possible and try to speak to an attorney as well.

3. How to Ask For a Bond Hearing

The first key to getting a good bond is asking for a bond hearing. When you were detained, ICE may have given you paperwork with a bond amount or the words “no bond.” You can ask the Judge to give you a bond hearing and consider setting a bond or lowering the amount that ICE gave you. Remember, the Judge can also raise the amount that ICE set, so be sure to do your homework and prepare for your bond hearing as much as possible!

There are a few ways to ask for a bond hearing.



- Tell the Judge at your first hearing that you’d like a bond hearing as soon as possible. Bond hearings are totally separate from your deportation hearings, even though you will be presenting your bond case to the same Judge who considers your deportation case. If you ask for a bond hearing when you’re at court, the Judge will give you a hearing in the coming days or weeks.
- Write the Judge a bond hearing request letter. There’s a sample at the end of this guide that you can fill out and send to the Judge. Be sure to include your name, A-number, and your request to have a bond hearing as soon as possible.

Once you tell the Judge that you’d like a bond hearing, she’ll schedule one for the next available date—usually a few days to a few weeks away. Watch out! You’ll likely only have one opportunity for a bond hearing, so it’s best to make sure that you have all your evidence ready **before** you ask for the bond hearing.

The Judge will not be happy if you appear at your bond hearing unprepared. If your hearing is scheduled very quickly and you are still gathering evidence, you can tell the Judge you are waiting for more

letters and you want to reschedule the hearing to give you more time to get the documents you need.

Remember, even if the Judge denies your request for a bond hearing and says that you're not eligible for bond, that doesn't mean you'll be deported. It means that, if you want to fight your deportation case, you'll probably have to do it while detained.

4. Putting Your Bond Application Together: Gathering the Key Evidence

You have the best chances of getting a good bond if you gather all your materials ahead of time and prepare your testimony the best you can. Good supporting documents that show the Judge that you're a responsible person are very important! This section will give you some ideas about exactly what you need.

A "Sponsor Letter." This is the most important document that you'll give the Judge. There's a sample at the end of this guide that you can use, or you can tell your sponsor to write a letter that includes:



1. How your sponsor knows you
2. What legal immigration status your sponsor has (for example, a U.S. citizen or a legal permanent resident). **Your sponsor must also attach proof of his immigration status to the letter.**

3. An address where you and the sponsor will live. You'll need a street address, not a P.O. Box. **Your sponsor must attach a piece of mail with his name and address on it to prove that he is living at the address. He can use a phone or electric bill with his name and address on it.**

Supporting documents

The Judge considers two big factors when deciding what bond amount to give you. The



first is whether you're a flight risk, or someone who won't come to court dates in the future. The Judge will consider whether you have lots of ties to the community that give you a reason to go to all your court dates. These include whether you own a house or car, whether you have family and children with legal status, and whether you have a job.

The second factor the Judge will consider is whether you're a danger to the community. She'll look at all your past arrests and convictions to see whether it's likely that you'll continue to commit similar offenses if you're released.



In order to prepare for your bond hearing, it's your job to gather as much proof as possible to show the Judge that you have strong ties to the community and that you won't commit any crimes if you're released. These documents are the keys that will unlock the detention center doors for you. Here are some examples of good evidence for a bond hearing:

- Letters from friends, family, and employers. Ask people you know to write a letter to the Judge that explains how they know you and why you're a good person. Ask them to explain why you should be released and why you should be able to stay in the United States. If the letters aren't in English, you'll need to translate them and include the "Certificate of Translation" that's at the end of this packet. **Make sure that each person writing a letter includes a copy of his identification with the letter, including a driver's license, a permanent resident card, or a passport.**
- Drawings from your children. If your kids are too young to write a letter to the Judge, ask them to draw a picture about things that you do together as a family.



Pictures of you with your family. Show the Judge pictures of you and

your spouse, kids, and other family members.

- A letter from you. If you've gotten into trouble with the police in the past, you'll need to explain to the Judge how you've changed and how you know that you won't get into trouble in the future. Think carefully about what you've learned from your trouble in the past and why you want to be able to leave detention. Do you want to be able to work and support your family? Do you want to be able to spend time with your spouse or children? Tell the Judge about those hopes.
- Evidence of the time you've spent in the U.S. If you've been in the U.S. for a number of years, gather documents that show that. You can include rent receipts, utility bills, birth certificates for your children with your name on them.
- Evidence of the difficulties that your family faces while you're detained. If your family has letters from debt collectors or overdue notices, include those. Were you taking care of a family member or helping a sick friend? Ask your family members and friends to include information like that in their letters.
- Evidence that you own property in the U.S. Make copies of the deed to your home, car, or trailer. These can show the Judge that you have many ties in the U.S. and a strong reason to come to your court hearings.
- Your ties to the community. If you attend church or volunteer with a school or other group, ask a leader at that organization for a letter. If that's not possible, remember to tell the Judge about your community activities at the bond hearing.



- Any rehabilitation you've completed. If you had a problem with drugs or alcohol and have attended AA or NA meetings, include that proof. Or, if you've had a problem with domestic violence and completed anger

management classes, make a copy of proof that you attended.

There is a longer checklist of documents at the end of this guide. It's worth taking the time to gather as many letters and documents as possible. The more you get, the lower your bond might be. But, don't worry if you can't gather all of these documents. Do your best to put together as many as you can!

Turning in your evidence to the Judge



Once you have all of your papers together, you should make a list of everything that you are giving to the Judge and put that on top. Sign and attach the document called "Certificate of Service" at the end of this packet. That document is used to prove that you also gave a copy of all your documents to the government attorney.

When your packet is complete, make copies of all original documents. Then, make two copies of the whole packet. One copy will go to the Judge. The other copy will go to the government attorney. You'll keep the third packet for you. You can either mail your packet to the government attorney and the Judge or bring it with you to your hearing.

5. Preparing Your Testimony

Your testimony is one of the most important keys to convince the Judge to give you a good bond. Practice makes perfect, so start thinking about how you want to present your case to the Judge now.

Keep these tips in mind when practicing your testimony:

- **Be prepared.** Write a list of the specific reasons why you're willing to attend all your hearings if the Judge releases you. Write another list of the reasons you know you



won't get into trouble with law enforcement. Don't just say things like "I want to be out of detention" or "I promise I won't get arrested." Write down a list of the specific things you want to mention to the Judge on a piece of paper. Practice telling them to a friend.

- **Be honest.** Your job is to tell the Judge about the circumstances of your life. If you have criminal convictions and the judge asks you about them, tell her what happened. Lying will just make things worse, and the Judge and government attorney often have ways to figure out if you are lying.
- **Turn negatives into positives.** If you had a problem with drugs and alcohol in the past, explain how you've overcome those problems—did you go to AA meetings or complete a rehabilitation program? Tell the Judge about those things, too.
- **Speak from the heart.** Judges see a lot of people every day. You can make your testimony stand out by speaking sincerely. Think of a funny story about your family to share. Think about a story that will show the Judge how much your family needs you. Explain to the judge why your deportation would hurt your family very much. Tell her about your plans for the future. Write all of these down on a piece of paper so you won't forget. Don't worry if you become nervous or emotional in court—it's pretty common.
- **Don't be defensive.** Admitting that you made mistakes can show the Judge that you are sorry. It can also show the judge that you won't repeat those mistakes in the future.
- **Answer the Judge's questions.** The judge may want to ask you some specific questions. Remember, be respectful when the judge speaks. Refer to the judge as "Your Honor," "Ma'am," or "Sir."



6. Your Bond Hearing

When you go to your bond hearing, there will be a few people in the courtroom. The first is the Immigration Judge, the same one you see when you go to your other hearings.



There will also be a government attorney there representing ICE. That attorney will usually say that you should get a high bond amount or no bond at all.

If you don't speak English well, there will also be an interpreter in the courtroom or over the phone to help you understand.

Your friends and family members can come to your hearing to and support you. It will help show the Judge that you have many people who care about you. Make sure that the people who want to come to your hearing call the detention center first and understand the rules for coming to court.

When the hearing starts, the Judge will probably ask if ICE has given you a bond and what the amount of that bond is. The Judge may ask you questions about your criminal history and your time here in the United States. Remember, answer all the questions honestly and respectfully.

Next, the government attorney will speak to the Judge. If you have a criminal record or if you have been deported before, the government attorney will tell the Judge about that. The government attorney will tell the Judge what she or he thinks is a fair bond in your case. The government attorney also has the right to give the Judge papers to consider, as long as you also get a copy of the papers. If you think it is not fair for the Judge to look at those papers, you should say that. Unless you have a good reason, the Judge will consider the papers.

After the government attorney is done, the Judge may ask you more questions. If you think something the government attorney said was wrong, you should tell the Judge. If you also think you haven't had enough opportunity to speak on your behalf, tell the Judge you would like to say something.



It's best to go to court with a short statement written out. Tell the Judge sincerely why he should give you a good bond amount. For example, if you're the person who supports your kids and your parents, tell the Judge about that and the ways that your family has been hurt by your detention.

7. The Judge's Decision: Weighing the Evidence



After hearing from the government attorney and from you, the Judge will decide whether you should be allowed a bond and how much you should have to pay. **The lowest bond that Immigration Judges usually give is \$1500. There is no maximum amount for bond.** The Judge will then ask both you and the government attorney whether you want to appeal the decision to another court.

An appeal means that you or ICE don't agree with the decision and are asking another court to look at the Judge's decision to see if there were legal mistakes. If you say "yes," you have 30 days to file appeal forms with the Board of Immigration Appeals, and if you say "no," that means you accept the Judge's decision.

The Florence Project has a separate guide to appeals that you may consult if you decide to file an appeal. It is very difficult to win an appeal of an Immigration Judge's decision. The Board of Immigration Appeals will only change the Judge's decision if there was a serious legal mistake made.

8. Paying your Bond

Once the Judge gives you a bond, or your loved ones may pay it immediately. You can pay the bond and be released even if you or ICE decides to appeal the Judge's decision.



In order to be released, you or your family must pay the entire amount of the bond with a money order or cashier's check made out to the "Department of Homeland Security." **You need to use the exact words "Department of Homeland Security" on the check or money order.**

The government will not allow you to make payments or to offer your house or some other property as a guarantee. If you are unable to pay the full price of the bond, you may consider whether a bail bonds company is willing to loan a portion of the bond payment.

The bond can be paid at the Detention Center or the closest ICE office to the person paying the bond. The person who pays needs to have your ICE file number and your full name. Your ICE file number has nine digits and begins with the letter "A." It should be listed on any documents you've received from the Judge.

9. Changing Your Hearing Location

One of the most important things for you to remember about your bond is that it doesn't stop the deportation case against you—even if you leave the detention center! You still need to go to every hearing that's scheduled in your case.



Before you leave the detention center, you need to ask the Judge to let you move your case to the Immigration Court that's closest to your home. That way, you won't have to come back to the detention center every time you have a hearing.

You must fill out the paper called “Motion for Change of Venue” that’s at the end of this packet at give it to the Judge at your bond hearing. Make two copies of the motion. Give one to the government attorney and you’ll keep the other for your records. Put your street address on that form so that the Immigration Court can mail you information about when your next hearing is scheduled.



You can also called the Immigration Court hotline at 1-800-898-7180 to find out when your next court date will be.

You can double-check that your case has been transferred by calling the Immigration Court hotline at **1-800-898-7180**. It may take a few days for the telephone system to update itself with new hearing information. If your case is not transferred to a new court, but you think that you gave the court a "Motion for Change of Venue," you can also call the detention center’s Immigration Court directly to make sure they have a copy. Remember, you must attend your court hearing wherever it is or you will be ordered removed from the United States!

10. Getting Your Bond Money Back

ICE has to give your bond money back once your case is over—that is, if you’ve gone to all your hearings with the Immigration Court and all appointments.



When the person who pays your bond goes to the ICE office with the money order to pay your bond, ICE will give him some paperwork. Make sure that he or she keeps that paperwork in a safe place because it will have information about how to get the money back at the end of your case. Follow the directions on those forms and remember that it may take a long time for ICE to process your paperwork and send the bond money back.

Final Thoughts

We hope that this guide provides you with helpful information when preparing for your bond hearing. We wish you the best of luck with your case!

Appendix 1.

BOND REDERTEMINATION REQUEST

(PEDIDO PARA UNA NUEVA DETERMINACION DE FIANZA)

NAME: _____ A# _____
(NOMBRE) (NUMERO DE EXTRANJERIA)

HOUSING: _____ REQUEST DATE: _____
(UNIDAD) (FECHA DEL PEDIDO)

CURRENT BOND AMOUNT: _____
(CANTIDAD PRESENTE DE SU FIANZA)

**I HEREBY REQUEST THAT THE OFFICE OF THE IMMIGRATION JUDGE
SCHEDULE A BOND REDETERMINATION HEARING FOR ME AS SOON AS
POSSIBLE
(POR LA PRESENTE PIDO QUE LA OFICINA DEL JUEZ DE IMIGRACION ME CITE
PARA UNA VISTA DE REDETERMINACION DE MI FIANZA LO MAS PRONTO
POSIBLE.)**

SIGNATURE: _____
(FIRMA)

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS MOTION WAS SERVED ON DHS- LITIGATION IN
_____ BY INTRAFACILITY MAIL, BY DELIVERY THROUGH MY HOUSING
COUNSELOR, OR BY UNITED STATES POSTAL SERVICE ON THE DATE INDICATED
BELOW.

Signature/ Firma

Date/ Fecha

Appendix 2. DOCUMENT CHECKLIST FOR YOUR BOND HEARING

Received

Any evidence that you are eligible or have a strong case for relief from deportation (eg. I-130 approval notice, evidence of past persecution, etc.)	
Letters of support from as many family members as possible (including drawings from children) <u>and</u> a copy of the identification of the person who wrote the letter	
Letters of support from friends <u>and</u> a copy of the identification	
Letters from people who know me (neighbors, landlord, etc.)	
Letters showing community involvement (church, volunteering)	
Proof of financial support my family (rent receipt, child support)	
Letters from religious organizations I belong to	
Photos of family (birthday parties, holidays, pets, babies, etc.)	
Certificates from Rehabilitation Programs	
Informational Pamphlets on rehabilitation programs in my area (domestic violence, alcohol or drug abuse, anger management)	
Tax Records	
Social Security Records	
Certificates and diplomas	
Copies of my medical records and my close relatives	
Proof that my close relatives have legal status in the United States	
Copy of my marriage certificate	
Proof of any debt that I have (mortgage, car loans, medical, etc.)	
Proof of insurance (car, medical, etc.)	

Appendix 3 Motion for Change of Venue

UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

City and state where court is

_____)	IN REMOVAL PROCEEDINGS
In the Matter of)	
)	File No. A_____
_____)	
(your name))	
Respondent)	MOTION FOR CHANGE OF
_____)	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

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

ICE District Counsel

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

Date:_____

Signed:_____

Appendix 4.

Sponsor Letter

Dear Immigration Judge,

I would like to be the sponsor for _____.

I know _____ because he/she is my

_____.

I have the following immigration status in the United States: _____

_____.

I have attached a copy of proof of that immigration status to this letter.

If _____ is released on bond, he/she will live at the following street address: _____

_____.

Sincerely,
