

How to Get a Bond



The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. To see our guides, go to: www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

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Who Should Read this Guide?

If you are an immigrant who is detained by Immigration and Customs Enforcement (ICE), this guide will help you understand your case.

At the Florence Immigrant & Refugee Rights Project, we help immigrant detainees who represent themselves in their removal proceedings. We are a group of lawyers and legal assistants who give free legal help to people in deportation proceedings.

We are a nonprofit organization. We do not charge for our services.

This guide will tell you who may apply for a bond, how to apply, and what proof you need to convince the judge to give you a low bond.

We hope that it tells you helpful information as you prepare for your bond hearing. We wish you the best of luck with your case!

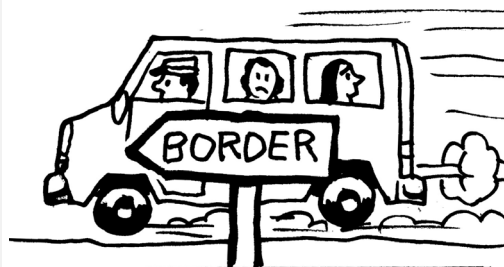
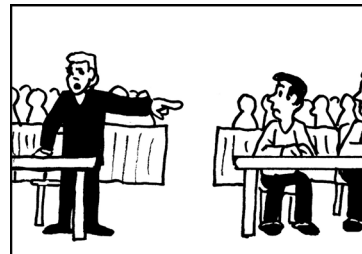
To see other guides that may help you, go to: www.firrp.org



Important Words You Should Know

Immigration law has many technical words. To help, here are some words we use in this guide:

- **Immigration Judge (*judge*):** The person who will decide about your case. Judges hold hearings in the courtroom and wear black robes. They should look at the facts of your case and apply the law fairly. Judges do not work for ICE.
- **Immigration and Customs Enforcement (ICE):** The agency that put you in deportation proceedings and detained you. ICE is part of the Department of Homeland Security, or *DHS*.
- **Government Attorney:** The lawyer who represents ICE when you go to your court hearings. This lawyer sits at the table next to you and talks to the judge. Government attorneys should see that justice is done. Usually they ask the judge to deport you.
- **Deportation:** ICE has put you in *deportation proceedings* (also called *removal proceedings*). If the judge orders you deported or “removed” from the United States, officials will send you back to the country where you are a citizen. You will not be able to legally return to the U.S. for at least 10 years.



What Is a Bond?

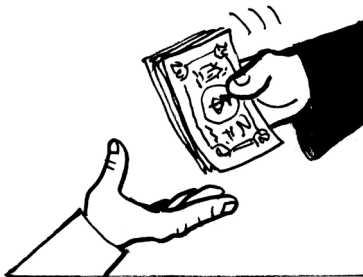
A bond is a promise to Immigration and Customs Enforcement, or ICE.

With a bond, you are promising that if they release you from detention you will go to all of 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 is one of your friends or family members who has legal immigration status in the U.S. must give ICE a certain amount of money to make sure that you keep your promise.

Judges usually ask for bonds that are at least \$1,500. But bonds have no limit. A judge may decide to ask for a bond that is much higher.

What happens to the money?



If the judge orders your deportation, you must leave the country before the person who paid your bond gets the money back.

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.

Remember, **if you get out of detention on bond your deportation case has not ended.** If you give the judge a request to change courts and the judge approves it, your case will be moved to the Immigration Court that is closest to your home. You will not have to come back to the detention center. **But, you still must go to all your court dates.**



If you miss even one hearing, you will likely be ordered to be deported. You will then not be able to give proof to the judge or ask to stay in the U.S. You will lose the bond money.

If you prepare your case well, you will have a better chance to get a low bond and be released from detention. Take your time and gather everything you need. We wish you the best of luck with your case!



Can You Apply for a Bond?

Not everyone can apply for a bond.



Your criminal history can affect your chances to apply for a bond. If you have certain criminal convictions, you cannot apply for a bond. For example, if you were convicted of drug possession, drug sale, or theft offenses, you cannot apply for a bond.

Also, if you have been ordered deported in the past or you are still waiting for an interview with an asylum officer, you will not be able to apply for a bond.

A few other types of bonds or releases are 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 have spent a certain amount of time in detention. The Florence Project has 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.



How Can You Ask for a Bond Hearing?

The first step 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.”

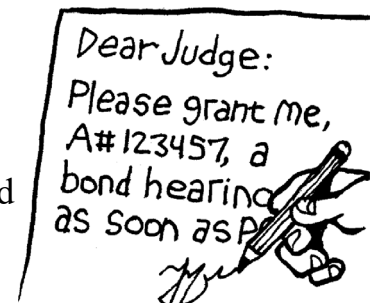
You can ask the judge to give you a bond hearing and to consider setting a bond or lowering the amount that ICE gave you.

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!



You can ask for a bond hearing in a few ways:

- In most cases, you do not have to wait to see the judge to ask for a bond hearing. You can ask for a bond hearing before the government files the *Notice to Appear* (NTA), the charges against you, with the court. Sometimes it takes a long time for ICE to file the *Notice to Appear* with the court, so you should ask for a hearing as soon as you are detained.
- Or, at your first hearing you can tell the judge that you want a bond hearing as soon as possible. Bond hearings are totally separate from your deportation hearings, even though you will present your bond case to the same judge. If you ask for a bond hearing when you are at court, the judge will give you a hearing in the coming weeks or months.
- Write the judge a letter to ask for a bond hearing. On the next page is a sample letter 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.



Bond Redetermination Request:

Name

A#

Housing

Request Date

Current Bond Amount:

\$

I hereby request that the Office of the Immigration Judge schedule a custody redetermination hearing for me as soon as possible.

Signature

Certificate of Service

I certify that a copy of this motion was served on DHS- litigation by intra-facility mail, by delivery through my housing counselor, or by United States Postal Service on the date indicated below.

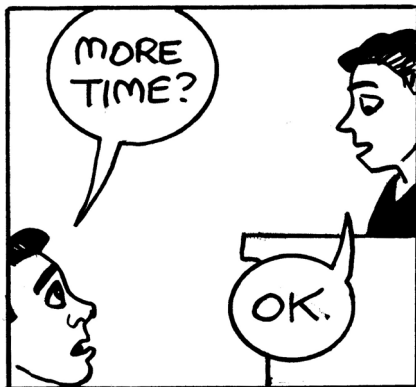
Signature

Date

Once you tell the judge that you want a bond hearing, the judge will schedule one for the next available date — usually a few weeks to a few months.

Watch out! You likely will have only one chance for a bond hearing. Make sure that you have all your proof ready before you ask for a hearing. The judge will not be happy if you are not prepared for your bond hearing.

If your hearing is scheduled very quickly and you are still gathering proof, tell the judge that you need to reschedule the hearing. Say that you are waiting for more letters and that you want more time to get the documents you need.



Remember, even if the judge does not give you a bond hearing and says that you cannot apply for bond, that does not mean that you will be deported. It means that, if you want to fight your deportation case, you will probably have to do it while you are detained.

How Do You Apply for a Bond?

To have the best chance of getting a good bond, gather all of your materials ahead of time and prepare your testimony the best you can.

Good supporting documents that show the judge that you are a responsible person are very important! This section will give you some ideas about exactly what you need.

Fill out a *Bond Worksheet*

The Court will usually have a *Bond Worksheet* in the courtroom. You should fill it out as completely as you can.

A *Bond Worksheet* gives the judge basic information about:

- your immigration status,
- your criminal history, if any,
- your family,
- how long you have been in the U.S.,
- what “relief” you are going to apply for, and
- where you will live if you get a bond

Get a letter from your sponsor

A letter from your sponsor is the most important document that you will give the judge.

There is a sample letter in this guide that you can use. If you prefer, your sponsor can write an original one.

Make sure the letter includes:

- **Your sponsor’s legal immigration status** (for example, is your sponsor a U.S. citizen or a legal permanent resident?).

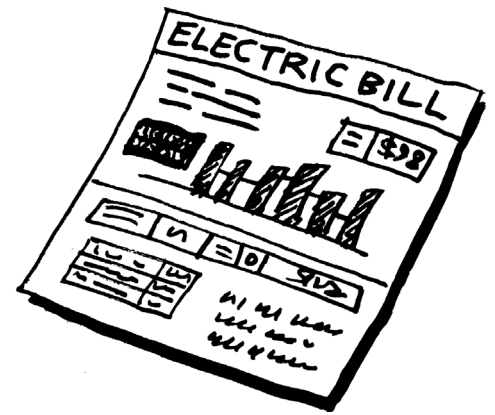
Sponsors must also attach proof of their immigration status to the letter.



- **How your sponsor knows you.** Your sponsor must show the judge that you know each other. The sponsor should explain if you are family or friends, how you met, and why you the sponsor is willing to help you.
- **An address where you and the sponsor will live.** You will need an actual street address, not a P.O. Box. Sponsors must attach a piece of mail that has their name and address to prove that they are living at the address. They can use a phone or electric bill as an example.

Collect documents that support your case

To prepare for your bond hearing, gather as much proof as you can. You must show the judge that you have strong ties to the community and that you will not commit any crimes if you are released.



Judges consider two big factors when they decide what bond amount to give you:

- **If you are a “flight risk,” or if you will not come to court dates in the future.** Judges consider whether you have ever missed a court date before. They want to know if you have ties to the community that give you a reason to go to all your court dates. That means judges consider if you have family and children with legal status, if you have a job, and if you own a house or a car.
- **If you are a danger to the community.** Judges look at all of your past arrests and convictions to see if you will likely continue to commit similar offenses if you are released.



Sample letter from your sponsor

Dear Immigration Judge,

I would like to be the sponsor for this person:

I know this person because he/she is my:

I have the following immigration status in the

United States:

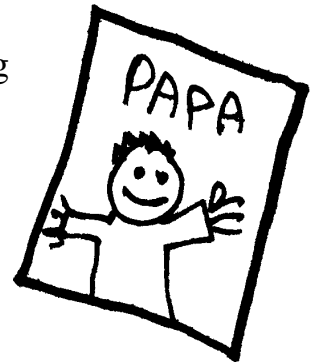
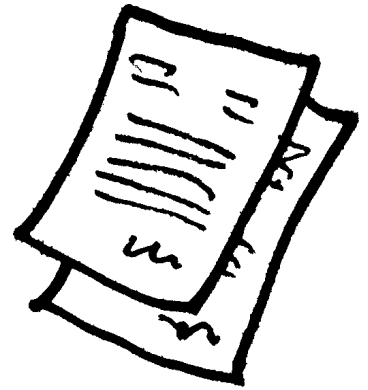
I have attached a copy of proof of my immigration status to this letter.

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

Sincerely,

Some good evidence for a bond hearing

- **Letters from friends, family, and employers.** Ask people you know to write letters to the judge that explains how they know you and why you are 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 are not in English, translate them and include a signed statement from the translator stating that the documents have been correctly translated into English. **Make sure that each person writing a letter includes a copy of their identification with the letter, plus 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 have gotten into trouble with the police in the past, you must explain how you have changed and how you know that you will not get into trouble in the future. Think carefully about what you have learned from your trouble and why you want to be able to leave detention. Do you want to be able to work to support your family? Do you want to be able to spend time with your spouse or children? Tell the judge about those hopes.



- **Proof of the time you have spent in the U.S.**

If you have been in the U.S. for a number of years, gather documents that show that. You can include rent receipts, utility bills, and birth certificates for your children with your name on them.



- **Proof of the problems that your family faces while you are 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



- **Proof that you own property in the U.S.**

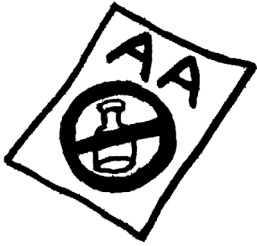
Make copies of the deed to your home, car, or trailer. These can show the judge that you have many ties in the U.S. and a strong reason to come to your court hearings.



- **Your ties to the community.**

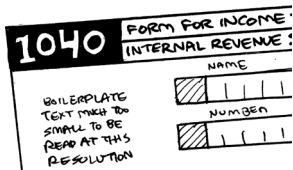
If you attend church or volunteer with a school or other group, ask a leader at that organization for a letter. If that is not possible, remember to tell the judge about your community activities at the bond hearing.





- **Any rehabilitation you have 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. Ask people who have seen the changes for the better in your life to write about this. If you have been charged with or convicted of domestic violence, and you are not prohibited from communicating with the victim, you may want to submit a letter from that person, if it would be helpful.



- The judge must consider your ability to pay a bond, so **you should include financial information**, such as recent tax returns, a couple of months of tax returns, and a letter from your employer indicating your hourly wage and hours worked per week or your salary. This information is really important! If you can prove that your family does not have the money to pay a high bond, the judge must consider that information.

On the next page is a longer checklist of documents. **Take the time to gather as many letters and documents as possible.** The more you get, the lower your bond might be. But, do not worry if you cannot gather all of these documents. Do your best to put together as many as you can!

Gather the documents you need for your bond hearing

- ☐ A completed *Bond Worksheet*
- ☐ Any proof that you are eligible for or have a strong case for relief from deportation (for example, I-130 *Approval Notice*, evidence of past persecution)
- ☐ Letters of support from as many family members as possible (including drawings from children) AND a copy of the identification of the person who wrote the letter
- ☐ Proof of residence from the person you will be staying with (utility bill, apartment contract, etc.)
- ☐ Letters of support from friends AND a copy of their identification
- ☐ Letters from people who know you (for example, neighbors, landlord)
- ☐ Letters showing that you are involved in the community (church, volunteering)
- ☐ Proof of financial support of your family (rent receipt, child support)
- ☐ Letters from religious organizations you belong to
- ☐ Photos of family (for example, from birthday parties, holidays, trips)
- ☐ Certificates from rehabilitation programs
- ☐ Informational pamphlets on rehabilitation programs in your area (domestic violence, alcohol or drug abuse, anger management)
- ☐ Tax records
- ☐ Social Security records
- ☐ Certificates and diplomas
- ☐ Copies of your medical records and your close relatives
- ☐ Proof that your close relatives have legal status in the United States
- ☐ Copy of your marriage certificate

- ❑ Proof of any debt that you have (for example, paperwork about your mortgage, car loans, medical treatments)
- ❑ Proof of insurance (for example, car or medical)
- ❑ Proof of ability to the pay bond: tax returns; several months of pay stubs; letter from your employer (include your employer's address and phone number; your position; when you began work; hourly wage and hours worked per week OR annual salary)

Turn your evidence in to the judge

Once you have all of your papers together, organize them.

- **Make a list of everything that you are giving to the judge.** Put that list on top.
- At the end of this packet, you will find a *Certificate of Service*. That document is used to prove that you also gave a copy of all your documents to the government attorney. Sign it and attach it to your papers.
- When your packet is complete, **make at least 2 copies of the original packet of documents.**
- The original papers for the judge and one copy of the papers is for the government attorney. Keep one copy for yourself
- Either **mail your packet to the government attorney and the judge or bring it with you** to your hearing.



Prepare Your Testimony

Your testimony is one of the most important ways 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 you practice your testimony:

- **Be prepared.** Write a list of the specific reasons why you are willing to attend all your hearings if the judge releases you. Write another list of the reasons why you know that you will not get into trouble with law enforcement. Do not just say things like, “I want to be out of detention.” or “I promise I won’t get arrested.” On a piece of paper write down a list of the specific things that you want to say to the judge. Practice telling them to a friend.



- **Be honest.** Your job is to tell the judge about the details of your life. If you have criminal convictions and the judge asks you about them, say what happened. Lying will just make things worse. The judge and the government attorney often have ways to figure out if you are lying.





- **Turn negatives into positives.** If you had a problem with drugs or alcohol in the past, explain how you overcame those problems. Did you go to AA meetings? Did you complete a rehabilitation program? Tell the judge about those things, too.



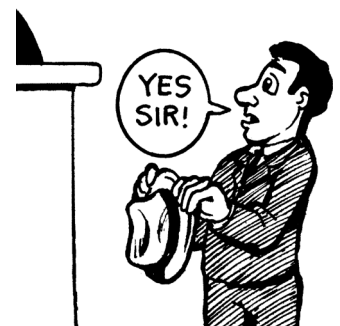
- **Speak from the heart.** Judges see a lot of people every day. You can make your testimony stand out by speaking sincerely. Think about a story that will show the judge how much your family needs you. Explain to the judge why your detention hurts your family very much. Talk about your plans for the future. Write all of these down on a piece of paper so you will not forget. Do not worry if you get nervous or emotional in court. Many people get nervous.

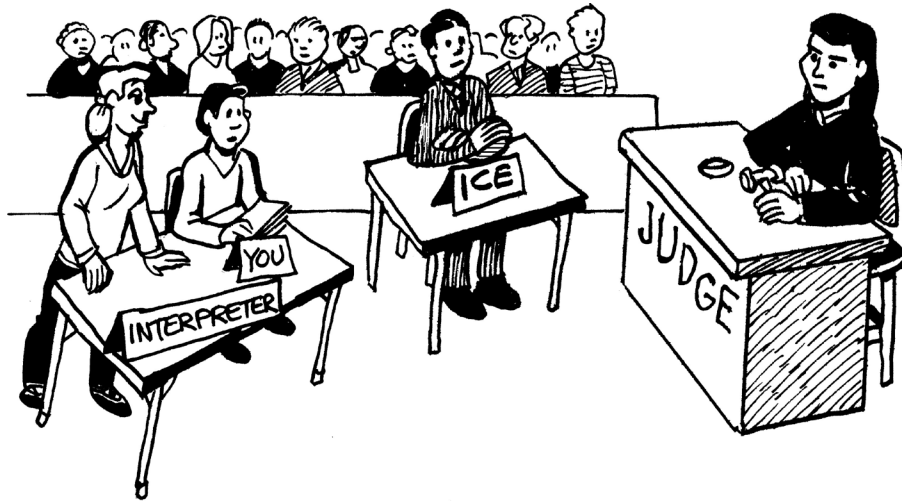
- **Do not be defensive.** Admitting that you made mistakes can show the judge that you are sorry. It can also show the judge that you will not repeat those mistakes in the future.



- **Answer the judge's questions.**

The judge may want to ask you some specific questions. Remember, be respectful when the judge speaks. Call the judge "Your Honor," "Ma'am," or "Sir." Also make sure to clearly say, "Yes" or "No" when you answer.





What Happens at Your Bond Hearing?

When you go to your bond hearing, a few people will be in the courtroom.

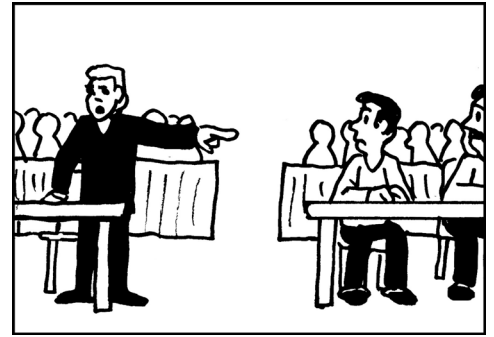
- The first is the **Immigration Judge** — the same person you see when you go to your other hearings.
- A **government attorney** will also be there to represent ICE. That attorney will usually say that you should get a high bond amount or no bond at all.
- If you do not speak English well, **an interpreter** will either be in the courtroom or on the phone to help you understand.

Your friends and family members can come to your hearing to support you. They will help show the judge that you have many people who care about you. If you want other people to go to the hearing, make sure that they 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. If you need to review the government's papers, you can ask for more time to do so, but this will delay your hearing.

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 have not had enough chance to speak on your behalf, tell the judge you would like to say something else.

It is best to go to court with a short statement already written out.

Tell the judge sincerely why you should have a good bond amount. For example, if you are 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.

The judge will weigh the evidence and decide your case

After hearing from the government attorney and from you, the judge will decide if you should be allowed a bond and how much you should have to pay.

Judges usually ask for bonds that are at least \$1,500. But bonds have no limit. A judge may decide to set a bond that is much higher.

The judge will then ask both you and the government attorney if you want to appeal the decision to another court.



An appeal means that you or ICE do not agree with the decision. You are asking another court to look at the judge's decision to see if any legal mistakes were made.

Understand that it is very difficult to win an appeal of an Immigration Judge's decision.



- **If you say “Yes, you want to appeal,”** you have 30 days to file appeal forms with the Board of Immigration Appeals. The Board of Immigration Appeals will only change the judge's decision if a serious legal mistake was made. At the Florence Project, we have a separate guide about appeals to help you if you decide to file an appeal.
- **If you say “No, you do not want to appeal,”** that means you accept the judge's decision.

How to Pay Your Bond

Once the judge gives you a bond, your sponsor, friend, or family member may pay it right away.

Only lawful permanent residents and U.S. citizens can pay the bond. In most cases, once you pay the bond, you will be released even if you or ICE decides to appeal the judge's decision.

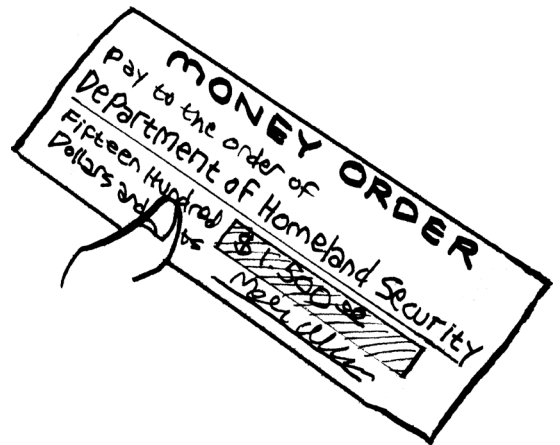
Sometimes, ICE will petition the Board of Immigration Appeals (BIA) to stay — or stop — the judge's decision. In that case, ICE must file a notice of intent to appeal the judge's decision (Form EOIR-43) with the court (and give you a copy) within 1 business day of the order.

They also must file a notice of appeal within 10 days. If this happens, you will remain detained until the Board of Immigration Appeals makes a decision.

You need a money order or cashier's check

To be released, you or your family must pay the entire amount of the bond at the detention center or at the ICE office that is closest to the person paying the bond.

If you cannot pay the full price of the bond, you may consider whether a bail bonds company is willing to loan you part of the bond payment.



When someone pays your bond, **they must write your ICE file number and your full name.** Your ICE file number has 9 digits and begins with the letter “A.” It should be on any documents the judge gave you.

- **Pay with a money order or cashier’s check.** You must pay the full amount. You cannot make payments or offer your house or some other property as a guarantee.
- **Make the money order or check out to the Department of Homeland Security.** Use the exact words *Department of Homeland Security*. Write your ICE file number and full name on the money order or check

Go to Every Hearing for Your Case: Ask to Change Where Your Hearings Are

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

Before you leave the detention center, you must ask the judge to let you move your case to the Immigration Court that is closest to your home. That way, you will not have to come back to the detention center every time you have a hearing.

To change where your hearings are, you must have your paperwork ready. On the following pages, you will find a paper called *Motion for Change of Venue*.

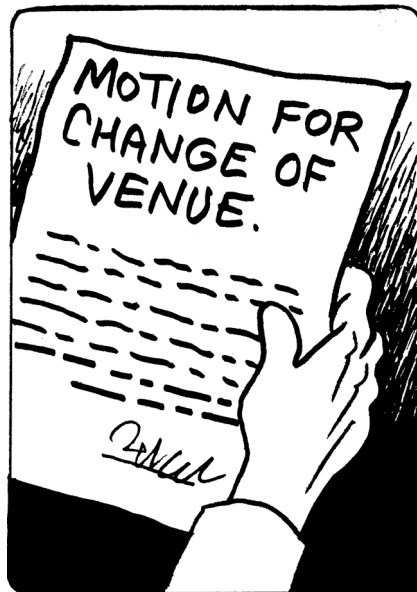
Here is what you need to do:

- Fill it out.
- Put your street address on it so that the Immigration Court can mail you information about when your next hearing is scheduled.
- Make sure you have 2 copies of the motion plus the original.
 - Give the original to the judge at your bond hearing.
 - Give one copy to the government attorney
 - Save one copy for you.

The Immigration Court will mail you information about your next hearing.

To double-check that your case has been transferred, **call the Immigration Court hotline at 1-800-898-7180**. It may take a few days for the system to update 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 go to your court hearing wherever it is or you will be ordered removed from the United States!



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 (write address below of the ICE office where you were
in custody):

Date:_____

Signed:_____

Getting Your Bond Money Back

If you have gone to all your hearings with the Immigration Court and all appointments, ICE must give your bond money back once your case is over. When the person who pays your bond goes to the ICE with the money order to pay your bond, ICE will give the person some paperwork.

Make sure that the paperwork is in a safe place because it will have information about how to get the money back at the end of your case.

To get the money back, follow the directions on those forms. Remember, it may take a long time for ICE to process your paperwork and send the bond money back.

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!

