

Steps for Applying for Bond

What is a bond?

A bond is not a fine; it is a guarantee. An Immigration Judge may permit you to leave the York County Prison if you pay money, called a bond, and you promise to come to all of your court hearings. The Judge will not give everyone a bond. If you get a bond and then miss a court hearing, the judge will order you removed (deported), and whoever paid the bond will lose the money.

If you want to leave the U.S. with an order of Voluntary Departure (see the handout on “Voluntary Departure”), you may ask the Judge for a bond and Voluntary Departure so that you can leave the detention center, organize your things and leave the U.S. within 30, 60 or more days, according to the judge’s order. **When you leave the U.S., you must report to the U.S. Consulate in your home country right away** and fill out a form to prove that you left the U.S. during the time that the judge gave you. Whoever paid your bond can use this form to get the money back. **If you do not leave the U.S. within the time the judge gives you, you will automatically be ordered removed, and whoever paid the bond will lose the money.**

Important: there are only two ways to leave the York County Prison on bond:

- 1) You will fight your case (try to stay in the U.S.) by applying for a form of relief and you promise to attend all of your court hearings; or
- 2) You want time outside of the detention center to organize your things and leave the U.S. with an order of Voluntary Departure.

If you are eligible for bond, you must show

- You are not a person who is dangerous to other people or property and
- You will attend all of your future court hearings.

Who is not eligible for bond?

If a) you have certain criminal charges, b) your NTA states that you are an arriving alien, or c) you are in exclusion proceedings, you may not be eligible for bond – this is known as mandatory detention. If you are subject to mandatory detention, this means that the immigration Judge cannot give you a bond. The mandatory detention rules only apply if you were released from criminal custody after October 8, 1998. These are some of the crimes that may make you subject to the mandatory detention rules and ineligible for bond:

- **you are a legal permanent resident or you came into the U.S. legally (such as with a visa), you are not eligible for bond if your immigration charge is:**
 - an aggravated felony.
 - any drug crime, even possession (the only exception is if your only criminal conviction is for possession of less than 30 grams of marijuana)
 - two (2) “Crimes Involving Moral Turpitude” (CIMTs)
 - a firearms offense
 - and certain other offenses
- **you came into the U.S. illegally; or**
- **you are a legal permanent resident and you were denied entry at a U.S. port-of-entry; or**
- **you are not a permanent resident and you were denied entry at a U.S. port-of-entry, you are not eligible for bond if your immigration charge is:**
 - any drug crime, even possession
 - and certain other offenses
 - one (1) “Crime Involving Moral Turpitude”* (CIMT)

*the only exceptions are 1) you committed the CIMT when you were under age 18 and more than 5 years ago or 2) you could not have been sentenced to more than one year in custody and you were actually sentenced to 6 months or less in custody.

At York Immigration Court, you can apply for bond during your Master Calendar hearing, or you can ask for a separate bond hearing. In most cases, you can only apply for bond once, however if circumstances have changed since you first asked for bond, you can request a second bond redetermination.

The minimum amount for a bond is \$1,500, but bond is rarely set that low.

You can ask the Judge to reduce the amount of your bond, if the Department of Homeland Security gave you a bond amount during your interview after your arrest. You can also ask the Judge for bond even if you were not given a bond amount by the Department of Homeland Security.

Steps for Applying for Bond – If you are not subject to mandatory detention and you decide that you would like to be released from detention on bond, you are allowed to:

1. Ask for a bond hearing

- Ask the Judge at your first hearing for a bond hearing or
- Send a message to the immigration court saying you want a bond hearing

2. Collect documents to support your case. Call your family, friends, employers, and religious leaders and ask them to:

a. Obtain letters of support. Letters of support must:

- Be written in English (or translated into English)
- Begin with “Dear Honorable Immigration Judge”
- State your full name and alien identification number (A#)
- Include the writer’s address and immigration status
- Explain why you are a good person and why you can be trusted to return to the immigration court for all future court hearings
- If the writer will be providing help with your housing and food, state this in the letter

b. Collect evidence for your bond hearing. Evidence may include:

- Documents showing members of your family are U.S. citizens or legal permanent residents, such as birth certificates, copies of green cards (legal resident cards), and other documents.
- Copies of your marriage certificate if your spouse is a U.S. citizen or legal permanent resident
- Employment pay stubs
- Proof that you pay your taxes
- Certificates from any classes you have completed, either in detention or before you were detained
- Any other information that shows you have connections in the U.S. and are a good person

3. Present your evidence at the bond hearing.

- Make three copies of all of your letters of support and other documents (one for you, one for the Judge, and one for the government attorney).
- Ask anyone who supports your case, and has legal U.S. immigration status, to testify for you at your bond hearing. If your family/friends want to talk to the judge by telephone, you will have to write the Judge for permission and list the names of your family members/friends, their relationship to you, and what they would like to tell the Judge.

Important: If you need more time to collect the documents to support your application for bond, you can ask the Judge for more time to find a lawyer and prepare your case.

If the Judge grants you bond, you (your family and friends) can pay it:

- At a federal immigration building (located in Philadelphia, Pittsburgh, Baltimore, New York and other large cities)
- With immigration bond agencies, where you pay a percentage fee and use collateral such as credit cards or other property

If you pay your bond, you will be released from detention, and the judge will transfer your case to an immigration court outside of the detention facility. If you live in another state, you may ask the judge to transfer your case to that state. It is very important that you give your updated address to the immigration court and to the Department of Homeland Security, because you will receive notices for future court hearings.

If you leave on bond, but you fight your case and lose, the Judge may order you to leave the U.S. voluntarily within a certain time period. If you return to your home country within the time the Judge gives you, and you report to the U.S. Consulate in your home country after leaving the U.S., whoever paid your bond should be able to get the money back.

Important: Even after you leave the detention center on bond, your immigration case still continues. In addition, in many cases, you may not get work authorization.

Remember, it is difficult to apply for bond a second time, so be prepared!