

Amount of the Bond:

The judge is not allowed to set a bond below \$1,500 yet can order your release “on your own recognizance.” This means the judge can let you go without any bond.

The bond may be paid in cash or you may use a bail bondsman. The bondsman will post the bail on your behalf, but will charge you a non-refundable fee and will require that you pay a certain percentage of the bond amount.

If your family pays the bond directly to the government, the bond money will be returned to your family only when your court case is completed and only if you have complied with the court’s order, even if that order is to leave the country.



Bond Appeal:

If you disagree with the judge’s determination, you may file a bond appeal with the Board of Immigration Appeals (BIA). When the judge decides your appeal, the judge will give you a form known as a Notice of Appeal. You must complete and file the Notice of Appeal with the BIA within 30 days of the judge’s decision. The BIA can take months to decide the appeal and the judge can order you removed before the decision from the BIA is made. You will be held in detention while your appeal is being decided.

The Immigrants' Rights Center

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Immigration Bond - Whom does it apply to?



*The
Immigrants'
Rights Center*

Visit us at:

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Bond

Not all immigrants are eligible for release from detention. Depending on your immigration status and/or criminal record, you may be subject to mandatory detention.

MANDATORY DETENTION:

The government can take you into custody and hold you without bond if you have been convicted and released from jail after October 8, 1998. If you were convicted with no jail time but you were sentenced to community service, probation, or a conditional discharge you may still be eligible for bond. If you are entitled to bond, write to the immigration court and ask for a "Joseph Hearing" where you can try to convince the judge that the mandatory detention law does not apply to you.

Grounds for Mandatory Detention for lawful permanent resident (LPR) or non LPR who overstayed a visa or was admitted into the United States (US), ***apply*** if you were released from jail after October 8, 1998, and convicted of any of the following crimes:

- Two Crimes Involving Moral Turpitude (CIMT) at any time after your admission in the United States;
- An aggravated felony;
- Controlled substance offense;
- A Firearms offense.

Grounds for Mandatory Detention for LPR returning from a trip outside the US or entered without inspection or is seeking admission into the US, ***apply*** if you were released from jail after October 8, 1998, and convicted of any of the following crimes:

- One CIMT (which may be waived as a petty offense if you have no prior criminal history, the offense was not punishable by more than one year in jail and you did not serve more than six months in jail);
- Controlled substance offense;
- Drug trafficking offense;
- Two or more offenses with aggregate sentence of 5 years incarceration;
- Prostitution;
- Domestic violence or violation of protection order.

PROCEDURES FOR SETTING BOND:

If you are not subject to mandatory detention and you are not an arriving alien, then you are eligible for bond. To set the amount of bond, the judge will look at two factors:

- Are you a flight risk or somebody who would not come back to court if released? and
- Are you or are you not a danger to the community?

To show that you are not a danger the judge will consider:

- Relatives in Court that care enough about you to come to court means a lot to the judge;
- Letters of Support: from relatives, neighbors, friends, co-workers, and clergy that state that you are a good and reliable person. These letters should be notarized;

- Apartment Lease or Mortgage showing you have a place to live if you are released;
- Letters from Employers and Pay Stubs showing you have a regular job;
- Marriage Certificate showing you have family to live with and care for (but only if your spouse is a United States citizen or lawful permanent resident);
- Children's Birth Certificates (but only if children are United States citizens or lawful permanent residents);
- Attendance in Rehabilitation Programs showing that you are trying to fix your drug, drinking, or anger problems;
- Warrant History: Have you ever failed to go to court on any of your criminal cases so that a warrant was issued? If not, you can show the judge that you were reliable when you had to go to court in the past;
- School Records including GED;
- Tax Records that show that you have complied with all tax laws;
- Eligibility for Relief: If you have no way to remain in the United States, the judge is likely to set a higher bond. But if you are eligible for relief the judge will take that into consideration.

