

Amount of the Bond:

The judge is not allowed to set a bond below \$1,500 but 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 you the decision from the BIA. You will be held in detention while your appeal is being decided.

The Immigrants' Rights Center

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La Fianza—A Quienes Aplica?



The
Immigrants'
RiShts Center
Immigration & Naturalization Matters

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Finanza

No todos los inmigrantes son elegibles para salir sueltos con fianza. Dependiendo en su status migratorio y/o su record criminal Usted puede estar sujeto a detencion mandatoria.

Detencion Mandatoria:

El gobierno puede tomarlo en custodia y mantenerlo de tenido sin fianza si fue convicto y fue puesto en libertad despues del 8 de Octubre de 1998. Si fue convicto y no sirvio ningun tiempo en la carcel pero fue sentenciado a servicio comunitario, probatoria o su caso fue terminado condicionalmente usted pude ser elegible para una fianza. Si es elegible para una fianza escriba al juez de migracion y pida una audiencia "Joseph" donde usted podra demostrar que la ley de detencion mandatoria no le es aplicable.

Las Siguietes razones para la deportacion mandatoria de residentes permanentes o no-residentes que fueron admitidos a los E.U. y su autorizacion venicio. Aplique si:

- Salio de la carcel despues del 8 de Octubre 1998 y
- fue convicto de dos o mas crimenes de torpeza moral
- crimen mayor agrvante
- crimen de sustancias controladas (Drogas)
- crimen con arma de fuego

Las siguientes razones para detención mandatorias para residents pendientes que regresan de viaje al extranjero aplican si fue puesto en libertad despues del 8 de Octubre 1998 y fue convicto de los siguientes criminales.

- Un crimen de torpeza moral (a menos que este sea un primer crimen que no sea castigado con mas de un año en carcel y no estuvo preso por mas de (6) seis meses
- crimen de sustancias controladas (drogas)
- 2 o mas crimenes con sentencias agregadas de 5 años o mas.
- Prostitución
- violacion domestica o violacion a una orden fe protection

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 are 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 cares 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.

