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**HOW TO OBTAIN AND POST  
AN IMMIGRATION BOND:  
A Guide for Non-Citizens in Detention**

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## AM I ELIGIBLE FOR A BOND?

Figuring out whether or not you are eligible for a bond is a very complicated process. Whether you are eligible or not for bond may also depend on whether you have been admitted to the United States in some lawful status previously or whether you have never been admitted lawfully to the United States. Keep in mind that even though you may not be eligible for bond, you may still be eligible to fight your case and remain in the United States, you will just have to fight your case while detained. You should assume you are eligible for a bond unless you fall into one of the following categories of those who are not eligible for a bond.

### WHO IS GENERALLY *NOT* ELIGIBLE FOR A BOND:

- 1) If you were detained by the immigration authorities while trying to enter the country at a port of entry such as an airport or at the US-Canada or US-Mexico border, you will not be eligible for a bond. In these cases, you may request something called “parole” from the immigration authorities. Please contact the National Immigrant Justice Center for more information on that process.
- 2) If you have multiple criminal convictions that can be considered crimes of moral turpitude, you will not be eligible for a bond. If you have *never* been admitted to the United States, even one conviction considered a crime involving moral turpitude, if the potential punishment could have been more than one year, will prevent you from being eligible for bond.
- 3) If you have been convicted of one or more drug possession offenses or an offense relating to firearms.
- 4) If you have been convicted of an aggravated felony. Examples of aggravated felonies include:
  - Any offenses relating to drug trafficking, including possession with intent to distribute or deliver, manufacture or sale of drugs
  - Any offenses relating to firearms trafficking
  - Rape
  - Sexual Abuse of a Minor or child pornography
  - Murder or attempted murder
  - Felony alien smuggling (unless it was your first and you were helping only your husband, wife, child or parent)
  - Fraud or income tax evasion, if the victim lost over \$10,000
  - Money laundering (over \$10,000)

Aggravated felonies also include the following, if you received more than 1 year of jail time (it does not matter if your sentence was suspended and you never spent any time in jail):

- Theft (including receipt of stolen property)
- Burglary
- A crime of violence (including anything with a risk that force will be used against a person or property, even if no force was used)
- Document fraud (including possessing, using, or making false papers, unless it was your first time and you did it only to help your husband, wife, child, or parent)
- Obstruction of justice, perjury, bribing a witness (this does not include obstructing an officer)

**(Note: These are not all the crimes that would prevent you from getting a bond, just a list of examples. If you are not sure if you fall into the following categories, you can still request a hearing and the judge will explain your eligibility to you.)**

## **THE PROCESS**

Assuming you are eligible, DHS/ICE may have set a bond for you already. If so, you should try to pay this bond. If DHS/ICE has not yet set a bond for you or you are unable to pay this bond, you may request a bond hearing in front of an immigration judge who will make a decision on whether or not to give you a bond or lower the one you already have. The judge will primarily consider three things:

- 1- That you are not a flight risk and that you will attend all future court hearings.**
- 2- That you are not a danger to the community and are rehabilitated after any crimes you may have committed.**
- 3- That you have relief from removal - In other words, the greater chance you have of winning your immigration case and staying in the United States, the more likely the judge is to give you a lower bond.**

## HOW TO REQUEST THAT YOUR BOND BE LOWERED

In order to get a hearing before the Immigration Judge to ask for a lower bond, you will have to either let the deportation officer know you want a hearing before the Judge or mail a request in writing to the Judge for a bond hearing. In your request to the Judge for a bond hearing, make sure to include your Alien number ("A" number), and your name and state that you would like a "Bond Re-determination Hearing." Make sure to keep a copy for yourself. You must also mail a copy of your request for bond to the DHS/ICE Office of Chief Counsel, this is the office of attorneys who represent the government in hearings before an Immigration Judge. The following addresses are for the Immigration Judge and the DHS/ICE attorney:

### **Immigration Judge:**

Executive Office for Immigration Review  
Office of the Immigration Judge  
Chicago Immigration Court  
55 E. Monroe, **Suite 1900**  
Chicago, IL. 60603

### **DHS/ICE Attorney:**

Department of Homeland Security  
Immigration & Customs Enforcement  
Office of Chief Counsel  
55 E. Monroe, **Suite 1700**  
Chicago, IL. 60603

(Note that although the addresses for the Judge and the DHS/ICE attorney are the same, the office number is different and you or your family members/friends need to mail documents to both addresses)

## PREPARING FOR YOUR BOND HEARING

In order to prepare for your bond hearing before the Immigration Judge, it is always helpful to submit any documents in support of your request for bond. Because you are detained, it may be difficult for you to get letters in time for your bond hearing. You can ask your family members or friends to mail their letters or documents to you at the jail, but just in case, make sure your family or friends also mail their letters directly to the Judge and the DHS/ICE Office of Chief Counsel at the addresses above, to make sure they are received in time.



The following are recommended examples of documents that will be useful for you to present at your bond hearing:

- Notarized letters from the following:
  - Your immediate relatives, including children who are old enough to write, who are lawfully in the US to explain how your detention has affected them (if children are too young to write, a copy of their lawful status will suffice);
  - Friends, priests or prominent community members who can speak to your involvement in community or religious activities.
  - Employers who can verify your work history and reliability as an employee and/or whether you will have a job if you are allowed to work in the United States.

All individuals who write letters on your behalf should attach a copy of their lawful immigration status to the letters.

Other helpful documents include:

- Any evidence of participation in rehabilitation programs, such as Alcoholics Anonymous, if you are in detention for crimes related to alcohol or drugs.
- Copies of titles or leases of property you own or are renting, such as a house, apartment or car.
- Copies of income tax returns you have filed.

Even if your family members or friends mail documents in to the Judge, they should make all efforts to be present at your bond hearing, especially spouses and/or children with lawful immigration status. You may not always receive advance notice of your hearing, but your family members or friends can find out about your bond hearing by calling the court to find out when and where your hearing will be scheduled. The Chicago Immigration Court's number is (312) 353-7313. They will need your "A" number to give to the court clerk so that the clerk can confirm if you have been scheduled for a hearing. If your family members or friends plan to be at court, they should arrive early and bring originals of all documents submitted to the court. They should be prepared to give testimony in court about their relationship with you, how responsible you are, and what hardship they will suffer if you continue to be detained or are deported.

**NOTE: Only those who have lawful status should attend court!**

## THE BOND HEARING

If you are detained by Chicago ICE, it is likely that your bond hearing will take place by video-teleconferencing and you will see the Judge and DHS/ICE attorney via television from the jail where you are detained. **Remember that your bond hearing is separate from your removal hearing, so make sure to be clear with the Judge that you want a bond hearing before the Judge begins your removal hearing.** The Judge will ask whether you would like an attorney. Be sure to let the Judge know you are representing yourself if you cannot afford an attorney or cannot find a free attorney. If you do not let the Judge know this, he or she may not want to continue with your bond hearing.

Questions you will likely be asked by the Judge or the DHS/ICE attorney:

- What family do you have in the United States?
- What is your family's immigration status?
- Has anyone filed any immigration petitions on your behalf?
- How many times have you been arrested?
- How many times have you been convicted?
- Have you ever violated any bond or court conditions before?
- Have you been employed? Where for how long?
- Since coming to the United States, where have you lived? Be prepared to tell the judge all of your addresses in the United States and what years you lived at them.

The Judge and/or DHS/ICE attorney will also likely have questions for your family members. If you know you will have family members or friends in court that day, make sure to let the Judge know. If they do not speak English, make sure you ask the Judge for an interpreter in your request for a bond hearing.

**Remember to be completely truthful at your bond hearing. The court and DHS/ICE attorney already have your criminal and immigration history and if you are not completely honest, the Judge can consider this a negative factor.**

If the Judge does not grant your request for bond, the Judge will ask you if you would like to reserve your right to appeal the bond. Reserving your right to appeal the bond does not mean you have to appeal the bond. You will have 30 days to decide whether you want to appeal or not. If the Judge grants your request and lowers your bond, the Judge will ask the DHS/ICE attorney if he or she will reserve appeal. If DHS/ICE originally set no bond in your case, or a bond over \$10,000, the DHS/ICE may file a special form that prevents your family or friends from posting a bond on your behalf, if the Judge sets or lowers your bond. If this occurs, you can contact the National Immigrant Justice Center.

## HOW TO PAY THE BOND AND LEAVE THE DETENTION CENTER

Who can pay the bond?

- Any adult, 18 or older,
- Who can prove that he or she is a US Citizen or Lawful Permanent Resident.

The person who pays the bond must have:

- A photo ID and proof of lawful immigration status such as permanent resident card or citizenship certificate
- A social security number (actual card is not needed)
- A valid address
- Certified check from a bank or money order in the amount of the bond made out to the Department of Homeland Security - no cash or personal checks accepted. Full payment is required.

The day before your family member or friend is going to post your bond, he or she should call (312) 347-2400, select Option 5 and follow the directions. The person who calls will need to either speak English or make the call with someone who does speak English as all of the information is in English. On the call, they will need to:

- Reach your deportation officer to inform the officer that they want to pay bond and verify the amount.
- If the officer is not there, they should leave a message for the officer stating your name, A- number, bond amount, their name and repeat their phone number twice.
- Ask the officer to call them back to inform them when and where you will be released.

### WHERE IS THE BOND PAID?

In Chicago bond is paid at 101 West Congress Street, on the 4<sup>th</sup> floor. Your family members or friends should be there as early as possible to pay the bond to ensure that DHS/ICE will be able to process the bond and that you will be released the same day!

If the person posting your bond lives far away from Chicago and cannot come to this office, they will need to contact the DHS/ICE office closest to them to make arrangements about paying your bond there. However, you will still be released in the Chicago area.

## RELEASE FROM DETENTION

If your family member or friend contacted your deportation officer, the officer should have informed them where it is you will be released from. In the Chicago area, individuals can be released from either the DHS/ICE office in downtown Chicago, 101 West Congress or from the Broadview Service Staging Area. The addresses are:

**Chicago DHS/ICE:**

101 West Congress  
Chicago, Illinois 60605

**Broadview Processing Center:**

1930 Beach Street  
Broadview, Illinois 60155

Please keep in mind that when released, DHS/ICE will not have transportation available. You will have to make your own transportation arrangements from either downtown Chicago or from Broadview to wherever it is you are traveling to reside.

### AFTER BEING RELEASED...

Make sure you:

- Report your new address to the Immigration Court – you have the responsibility of updating your address with the court within 10 days of moving. You can report your address on EOIR Form 33. You can find this form on the internet at <http://www.justice.gov/eoir/eoirforms/eoir33/EOIR33ICChicago.pdf> or ask any DHS/ICE officer for a copy of the form.
- Attend all court hearings you are scheduled for.
- Comply with all orders of the court so that your friend or family member can retrieve the money they posted for your bond. Once your case is completed and you comply with whatever the Judge orders, the family member or friend who posted the bond will be entitled to receive the bond money they paid.

## GOOD LUCK!