



# Immigration Bonds

## What is an immigration bond?

A **bond** is money that someone pays to get someone else out of custody or jail. An **immigration bond** is money paid to get someone out of the custody of the immigration service (Immigration & Customs Enforcement, or “ICE”). If you go to all of your court hearings and follow all the orders set by the Immigration Judge or ICE, including leaving the country if required, the bond money is returned when your case is over. But ICE keeps the bond money if you do not go to court or follow the orders.

## How do I ask for a bond?

Sometimes ICE sets the bond amount. If no bond has been set, you can ask the Immigration Judge to set a bond on your case. You ask for a **bond hearing**. At a bond hearing, you can also ask the Immigration Judge to lower the bond if you think ICE set it too high. The lowest bond amount that an Immigration Judge can set is \$1,500.



Be careful when you ask the Immigration Judge to lower your bond. The Judge could decide to raise your bond if they think it was set too low.

## What happens at a bond hearing?

First, the Immigration Judge has to decide if you are even eligible to ask for a bond. Some people are subject to “mandatory custody.” This means the Immigration Judge does not have any authority to grant a bond. Certain crimes can make you subject to mandatory custody. You are also subject to mandatory custody if:

- you are an arriving alien
- you have a prior deportation order, or
- you are being detained on terrorism-related grounds

If you are not subject to mandatory custody, you might be able to get a bond. When deciding about setting or lowering a bond, the Immigration Judge looks to see if you are a danger to the community or a “flight risk.” A flight risk is someone who probably won’t show up at future court hearings if released.

To prove you are not a danger to the community, provide your criminal records and any evidence of rehabilitation. You can also provide letters of support from family, friends, religious leaders, or community members.

To prove you are not a flight risk, provide:

- evidence of your family ties in the United States. This can be things like birth certificates of LPR or U.S. citizen relatives.
- evidence that you work. Like paystubs or a letter from your employer.
- evidence you own property in the United States
- evidence of community ties. Like being part of a religious or community group.

The immigration judge also considers whether you are applying for any defenses to deportation or if any immigration petitions have been filed for you.

### **Paying the Bond**

It is possible to be let out the same day that your bond money is paid. To make sure that you are let out the same day, it is better to pay the bond as early in the day as possible.

The bond amount must be paid in full, with a U.S. postal money order, or a cashier's check issued from a bank. **Cash, personal checks, or money orders that are not from the post office are not accepted.** The money order or cashier's check must be made out to "Immigration and Customs Enforcement." Your family or friends have to pay the bond in person, at any ICE office in the U.S.

If you are in Minnesota, there are 2 ICE offices where a bond can be paid:

#### **Minneapolis/St. Paul ICE Office**

1 Federal Drive, Suite 1640  
Fort Snelling, MN 55111

7:30 a.m. to 3:00 p.m., Monday -Friday  
612-843-8600

#### **Sioux Falls ICE Office**

2708 North 1<sup>st</sup> Ave.  
Sioux Falls, South Dakota 57104

8:00 a.m. to 1:00 p.m., Monday-Friday  
605-330-4276

The person paying the bond is called the "obligor." There are rules about who can be your obligor. If the obligor does not follow the rules, ICE will not release you.

- The obligor must be in the U.S. legally
- The obligor must know you
- The obligor must know how to speak, write and read English
- The obligor must bring a government-issued photo ID and a valid social security number with them when they go to pay

The obligor will also have to give this information:

- their name, current address, and phone number
- your name, address, phone number and immigration case file number if known



***A person who is not in the U.S. legally should NOT try to pay a bond for someone else. ICE could take them into custody and try to remove them from the U.S.***

***A person who is in the U.S. legally but has criminal convictions or pending criminal charges should talk with an immigration attorney before paying a bond for someone else.***

### **What if I can't pay the bond?**

If you can't pay the full amount of the immigration bond, you may be able to get help from a community bond fund. Examples of community bond funds include:

#### **Local**

- [MN Freedom Fund](#)

#### **National**

- [Black Immigrants Bail Fund](#)
- [LGBTQ Freedom Fund](#)
- [Haitian Immigrant Bail Assistance Project](#)

There are also bond companies that might help. Bond companies are private businesses that pay a portion of the bond. A friend or family member can set up an agreement with them. Be careful! Bond companies often charge high interest rates, ask for "collateral," or keep all of the bond money when it is returned. Collateral is something of value that the person signing the papers agrees to let the bond company keep if you do not go to your court hearings or follow the orders set by the court or ICE.

### **Returning the Bond Money**

When your immigration proceedings are over, ICE returns the full amount of the bond money to the person who paid the bond (the obligor). The ICE office sends paperwork for the obligor to fill out and return. Once ICE gets the papers back, they mail the bond money to the obligor. If the obligor moves before the proceedings are done, they should let ICE know. ICE cannot return the money if they do not have a current address for the obligor.



***Fact Sheets are legal information NOT legal advice. See a lawyer for advice.***

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