

# **BOND HEARINGS: PRACTICAL ADVICE AND POINTERS**

**AILA Pro Bono Bond Program**

# Legal Services to Detainees Committee

## Primary Points of Contact

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# Agenda

- Overview of the Pro Bono Bond Project
- Eligibility for Bond
- Preparing for the Bond Hearing
- Bond Hearing Simulation
- Q&A

# What is the Pro Bono Bond Project?

- Connects volunteer attorneys with ICE detainees



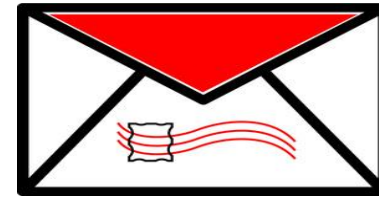
- To provide representation before EOIR in their bond hearing



# How does Pro Bono Bond Project Work?



Screening



Email to volunteers

# How does the Pro Bono Project Work?

?



Case placed with Pro Bono

Pro Bono Represents Detainee

# How does the Pro Bono Bond Project Work?



Report Outcome

# Who is detained by DHS/ICE?

- Individuals seeking protection because they fear harm/torture
- Newly arrived undocumented individuals
- Undocumented individuals living/working in US for years
- Visa overstays
- Long term LPRs
- US citizens





# Government agencies involved

- DHS
  - ICE
  - CBP
  - OCC



- DOJ
  - EOIR
  - BIA



# Apprehension and processing

Broadview Detention Center

1930 Beach St.

Broadview, IL 60155

8am-4:30pm

708-449-6722

Proceedings *may* commence--

Reinstatement, stipulated  
order, final administrative  
order of removal, credible  
fear, reasonable fear  
interview

OR removal proceedings



# Ineligible for bond

- Mandatory Detention

INA § 236(c)

- Reinstatement;
- Applicants with certain criminal convictions;
- “Arriving Aliens” – Applicants with Credible fear/reasonable fear interview



# THE BOND Hearing & PREPARING YOUR CASE

- Things to DO:

- Talk to the detained client within 48 hours of taking case
- Meet with or communicate with client's family within 48 hours
- Check the EOIR hotline 1-800-898-7180
- Advise client about continuances and timeline for release if bond set
- Obtain letters of support
- Review NTA, all immigration documents
- Discuss what the family CAN pay – minimum is \$1,500.00

- Things NOT to DO

- Promise your client they will receive bond
- Ignore judge's idiosyncrasies
- Rely only on your client's mother for your facts!!!

# Timeline of events

- A. File Motion for Bond with Immigration court with your EOIR28 marked “Custody and bond Proceedings only” “AILA pro bono bond project” + certificate of service
- B. Have a teleconference with client
- C. Collect documents and communicate with client’s family, prep any testimony (another teleconference with client)
- D. Arrive at court with your additional documents to file with Immigration Judge and Office of Chief Counsel for the Bond Hearing

# DOCUMENTS TO OBTAIN BEFORE HEARING

- Notice to Appear (if issued)
- Certified court dispositions
- **Proof client is not a flight risk or danger to the community**
  - Eligibility for relief from removal ie: Birth & Marriage Certificates, job letter, taxes, signed letters of support from friends, family, coworkers/boss
  - Evidence of reform/rehabilitation



# PRESENTATION OF YOUR CASE

- **What the judge wants to know:**
  - *Is your client a flight risk?*
    - Age of your client
    - Where s/ he came from
    - How long they have lived in the United States
    - How did they come
    - Do they have any relief
    - USC/LPR children/ relatives
    - Work history
  - *Is your client a danger to the community?*
    - Criminal Record
    - Rehabilitation efforts
    - Mitigating factors in criminal case
- **Present a sympathetic picture— bond is discretionary**
  - Are they a good person? Work, friends, family, etc.
  - Health problems of family members or respondent
  - Financial obligations
  - Relationship with children if strong
  - Have family and friends present


# CALLING WITNESSES

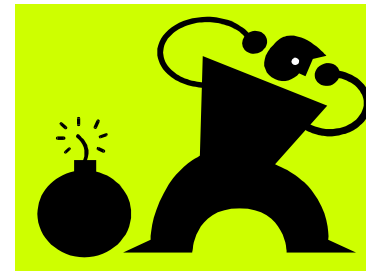
- PREPARE AHEAD OF TIME
- ASK QUESTIONS IN THIS FORMAT:
  - WHO
  - WHAT
  - WHERE
  - WHY
  - WHEN
  - HOW
  - DESCRIBE





# HELPFUL HINTS:

- KNOW YOUR JUDGE
- BE NICE TO THE CLERKS
- TALK TO THE TRIAL ATTORNEY
- REVEAL THE BAD STUFF 
- PROPOSE A REASONABLE AMOUNT FOR THE BOND



# Worst case scenarios?

- Tell your client not to be disrespectful and answer the Judge's questions honestly
- New negative information is revealed— continuance?
- Bond is revoked or increased. Reserve appeal and alert AILA



# Bond is set!

- Instruct family how to pay bond
- Advise client that they must attend all hearings and update address, recommend they obtain legal counsel
- Send closing letter
- Let AILA Bond Project know of the outcome



# Bond Funds

- Midwest Immigration Bond Fund: [mibfc.org](http://mibfc.org)
- National Bond Fund Network  
[www.communityjusticeexchange.org/en/nbfn-directory](http://www.communityjusticeexchange.org/en/nbfn-directory)



Midwest Immigration  
Bond Fund

**NATIONAL  
BAIL FUND  
NETWORK**

# Telephonic Appearances to the Kansas City Immigration Court

- File bond motion and motion for telephonic appearance by counsel at least a day in advance
- E-serve on Kansas City OCC
- Samples available to attorneys once they accept a case



# Bond Hearing Simulation

**Martin** is currently detained at the McHenry County Jail. He is a 33-year-old Mexican national who entered the United States without inspection when he was 3 or 4 years old. Martin speaks English and Spanish. His entire family is in the United States, including two United States citizen children. They currently live with their mother as Martin and her are separated. Martin has three Driving Under the Influence from Kane County, Illinois (2018, 2019 and 2021). During this time period, Martin's father passed away, he lost his job and broke up with his girlfriend. Martin pled guilty to all three in order to avoid an additional conviction for possession of a controlled substance. He was sentenced to a year of prison at 50% for all three. Additionally, he may have a 2010 battery offense. Martin is prima facie eligible for 42B. Additionally, Martin would like to go to the doctor as he was diagnosed with cancer 5 years ago, is in remission but now has bi-annual checkups and he missed his last visit while incarcerated. Martin's brother, Omar, is willing to help him gather letters of support. Martin's first Master Calendar hearing is on November 9, 2021 at 9:30am with Judge Klosowsky.

# AILA Pro Bono Bond Project

## THANKS YOU

Your participation allows detainees to obtain bond and release from detention which *greatly increases* their chance of being able to legally stay in the US

Questions or concerns? Email us!

[probonobondproject@gmail.com](mailto:probonobondproject@gmail.com)

