



Obtaining Bond in Immigration Court

What is an immigration bond?

A bond is an amount of money that you pay to ICE to be released from immigration detention. The bond amount is intended to ensure that you will come to court for all your future Immigration Court hearings. If you do not appear in court when you are supposed to, you will not get your money back.

How much is a bond?

By law, the lowest possible bond is \$1,500. There is no upper limit. Most bonds currently ordered by judges hearing cases in the Chelmsford Immigration Court are between \$3,500-\$20,000 but can be either higher or lower. If you are granted bond in Massachusetts, but you cannot afford to pay the bond, you may be able to get help through a charitable organization called BIJAN. Your family may call 617-396-7143 to request assistance *after* you have been granted bond.

How do I ask for a bond?

- At the moment, ICE and the Immigration Court have taken the position that most people are subject to mandatory custody. That means that ICE and the Immigration Court believe that most people in ICE detention are not eligible for bond. This current policy applies to nearly everyone unless you entered the United States on a visa or have a green card.
- If you didn't enter the United States with a visa or you do not have a green card, you will likely need to file a habeas corpus petition with the federal court before you can obtain a bond hearing in the Immigration Court. In your habeas petition, you should request a bond hearing. If the habeas petition is granted, the federal judge will order the Immigration Court to conduct a bond hearing in your case. Occasionally, the federal court orders people to be released without a bond hearing.
- Even if the court decides that you are "eligible" for a bond hearing, it does not mean that you will be granted bond at the hearing - you still have to win your bond case.
- A bond hearing is different from your "removal proceedings" during which the judge will decide if you are entitled to immigration relief or should be removed from the United States.
- **Do not ask for bond until you have all the information or evidence you need to convince the judge to give you bond. You normally only get one bond hearing.**
- If you already had a bond hearing in while you were detained by ICE somewhere else (or here), you will not get a new bond hearing in the Immigration Court unless something has changed about the reasons you were denied bond. (For example, if you were denied bond because of open criminal charges, you might be able to get a new bond hearing if the charges are dismissed.)

Do I need a lawyer (attorney) to help me?

- No, you do not need a lawyer to file a habeas corpus petition or request bond, and the court will not provide an attorney for you. However, it will help your case if you have a lawyer. We strongly recommend that you try to find an attorney first before trying to get bond by yourself.
- There are different organizations in New England that might be able to provide a **free lawyer** for habeas and bond cases. You can contact

- The PAIR Project (617-362-3660) (for individuals detained in Massachusetts and Rhode Island)
- BIJAN (617-396-7143) (for Massachusetts residents)
- MACI (508-505-4588) (for Massachusetts residents)
- If you haven't been able to obtain an attorney before your bond hearing with the judge, you can ask the judge for more time (called a "continuance"). The judge should give you more time to talk to an attorney. If you ask for more time, the judge may tell you to make a new bond request when you are ready.
- Because your immigration case ("removal proceedings") is separate from your bond request, the judge will continue to move forward with your immigration case while you are detained and seeking an attorney for bond (or for your immigration case too). Judges will not grant you unlimited time. That means that the judge can make a final decision on your case - including issuing a deportation order - even if you have not had a bond hearing yet.

How does a judge decide whether to give me bond?

The judge will have to answer three questions before deciding if you will get a bond:

- Are you eligible for a bond?
 - You will not be eligible for bond if you have been deported before or if you have a final deportation order.
 - Some criminal convictions make you ineligible for a bond such as drug crimes and aggravated felonies. ICE will argue that if you have been charged or convicted of a crime involving theft or larceny, you will not be eligible for bond. In that case, you are held in mandatory detention. (If your detention becomes very long, you may ask the federal court to order the Immigration Court to give you a bond hearing even if you are held under mandatory detention.)
 - If you are not eligible for bond, the federal court may also deny your habeas petition.
- Are you a danger to the public? The judge has to decide if ICE has proven by "clear and convincing" evidence that you are a "danger to the community" based on your criminal history. The judge will look at convictions, arrests, and open criminal cases, police reports, evidence that you have been rehabilitated and any other evidence provided. If the judge believes you are a danger, he or she will not give you bond.
- Are you a "flight risk"? The judge has to decide if ICE has proven by a "preponderance" of the evidence that you are a flight risk. If you are a "flight risk," it means that the judge decides that you are likely to disappear and not appear for your court hearings after you are released. The judge will also consider if you have been charged with resisting arrest or running away from ICE or the police. To prove that you are not a flight risk, you should submit evidence that you have connections to your community, that you are eligible for immigration relief, and that you have followed ICE instructions before (for example, have appeared for other hearings or complied with ICE check-in requirements). This may reassure the judge that you will come to all future immigration court hearings if you are released from detention.

How do I convince the judge to give me a bond?

- In the Chelmsford Immigration Court, the government has to convince the judge that you are a danger or a flight risk and should not be granted bond. This is called the "burden of proof," and it means that at your bond hearing, the government attorney will go first in arguing to the judge that you should not be released on bond. The government will likely present evidence showing why they believe you should remain detained. If you have a criminal history, the government may argue that you are a danger. If not, they will argue that you are a flight risk and may talk about open charges, as well as the amount of time you have been in the United States and your lack of community ties.
- You will need to provide evidence to the judge to respond to the arguments and evidence submitted by the government.
 - The judge will want written evidence from you; giving your word is not enough.

- You will need a “sponsor” who should have a green card or be a U.S. citizen. This person needs to provide a letter that explains how they know you and where you will live when you are released. You should provide a copy of the sponsor’s ID, proof of where they live (like a lease or a utility bill), and pay stubs showing that they are working .
- If possible, submit copies of birth certificates or green cards for family members in the United States
- If possible, submit support letters from family members, friends, clergy, and other community members who know you in the United States.
- If possible, submit a letter from your most recent employer.
- If possible, submit a lease with your name on it or a letter from your landlord.
 - If you have a criminal record, give the judge proof that you have been rehabilitated and are not a danger. For example, if you were convicted of an OUI many years ago and you were required by the Court to attend classes on safe driving, submit the records showing that you attended the classes.
- **All documents you give to the court for your case must be in English or include a certified translation.**
- It is hard to gather this evidence while you are detained. Family members or an attorney can help you. An attorney can help determine what information and evidence will be best for your case. An attorney will also be able to help translate your bond documents.

What if the judge gives me a bond that is too much money?

- You don’t have to pay the bond right away. However, your removal proceedings in detention will continue until you are released so you will want to pay and get released as soon as possible.
 - Note, if someone is threatening you or loved ones in exchange for the bond, you should contact an immigration attorney to report this—it is illegal for someone to force you or others to work or perform sexual acts to pay off your bond. Also, be careful about scams.
 - There are many different organizations in the United States that may be able to help you pay bond if you or your family cannot pay. You or your family member can find a list of the different organizations at this website address: <https://www.communityjusticeexchange.org/en/immigration-directory>.
 - In Massachusetts, Beyond Bail & Legal Defense Fund (BIJAN) may be able to help you pay your bond. Their phone number is 617-396-7143. You can call them to ask for help after you have been granted bond.
 - Anyone who is a US citizen or who has a green card may post bond for you at an ICE office in the United States. You should be released on the same day that your bond is paid, if it is paid in the morning.

What happens if the judge doesn’t give me a bond?

- If you are denied bond, you will stay in detention until your Immigration Court proceedings are finished. Unless there is a significant change in your circumstances, like having criminal charges dropped or a conviction overturned, you will not get another bond hearing once a judge denies bond. This is why you need to be prepared for your one bond hearing.
- You can appeal the judge’s decision to the Board of Immigration Appeals (BIA) within thirty (30) days of the bond decision. The BIA will review the judge’s decision and decide to reverse it or support the judge’s decision. If you want to file an appeal to the BIA, the judge will give you the forms and instructions. You will stay in detention while the appeal is being decided. Please note that it is unusual for the BIA to disagree with the Immigration Judge’s decision, if the Immigration Judge denied bond.

What happens to my case after I am released on bond?

- After you are released on bond, you must immediately notify the Immigration Court of your new address. ICE will not do this for you. You must file with the court an EOIR-33 Change of Address form. You must also

provide a copy of the Change of Address form to the government.

- After you change your address with the court, the court will take your case off the detained docket and move your case to the non-detained docket. Your next court hearing will be rescheduled. You must be very careful not to miss any court hearings. You may check on when your next court hearing is by calling this number: **1-800-898-7180** or by checking your case status online: **<https://acis.eoir.justice.gov/en/>**.
- If you move away, you will need to ask the court to move your case to the Immigration Court near your new address. The court will not move your case automatically. You must file a “motion to change venue.” Documents that will help you move your case to a new court are attached to this packet.

Will I get the bond money back?

- 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 will be returned to whoever paid it, when your case is over. But ICE may keep the bond money if you do not go to court or follow **all** the orders.

Remember

- A bond hearing is separate from a deportation/removal hearing. If you want to have a bond hearing, you must request one. This can be done in writing or by asking the judge when you have court.
- You only get one bond hearing, so be prepared with evidence.
- Not everyone will get a bond. Immigration law says some people are not allowed to get bond, so the judge will not allow a hearing. Even if you have a hearing, the immigration judge may decide you should not be released and will deny you a bond.
- No matter what happens with your bond request, your immigration case continues whether you are detained or released on bond.
- Your immigration case is separate from any criminal case you have now, in the future, or had in the past. It is a different court with different judges and different attorneys. Getting bail from criminal court does not mean you will get bond from immigration court. Any money paid for your criminal bond does not go toward your immigration bond.
- You don't have to have an attorney but having an attorney will usually help you be more successful in your case.

This document was provided by the PAIR Project. It was adapted from one originally prepared by The Advocates for Human Rights, Minneapolis, MN. It is not a substitute for legal advice. May 2026.