



Removal Defense

Online Course

American Immigration Lawyers Association

Module 1: Custody, Bond, and Bond Appeals

Exercise: Draft a Motion for Bond Redetermination

How to Complete This Exercise

The course exercises are designed to give you as an opportunity for hands-on practice with the concepts presented in each module.

For this exercise, begin by reading the information and instructions below. Next, use the templates provided in this same document to complete the Statement of Facts in the Motion for Bond Redetermination. Note that some additional templates are provided for your reference as well. Save your edits to the document on your computer, and upload them into the course in the Completed Exercise Upload component. Once you have uploaded your response, you will be able to download the faculty response. You can self-grade by comparing what our committee member wrote as a correct response for this exercise with what you produced.

Remember that this exercise is for your own benefit as an opportunity to apply concepts and practice hands-on skills, so please spend as much time on it as is useful to you for your learning.

Motion for Bond Redetermination Information

As discussed in detail throughout this module, many individuals may be eligible to be released after paying a bond. Those individuals can include persons who have been apprehended in the interior of the United States, do not have a prior removal order, and do not have certain criminal convictions. Additionally, individuals who entered the U.S. between ports of entry, were apprehended near the border soon after crossing into the U.S., and have passed credible fear interviews have also historically been eligible for bond.¹

In this exercise, you will be preparing a Request or Motion for Bond Redetermination to file with the Immigration Court. The controlling provisions for bond/custody redetermination hearings before an Immigration Judge are found at INA § 236; 8 C.F.R. §§ 1003.19 and 1236.1 (2006). The bond hearing is separate and apart from, and shall form no part of the removal hearings.

¹ The Attorney General issued a decision, *Matter of M-S-*, restricting bond for asylum seekers, specifically, recently arrived asylum seekers who entered the United States without being inspected at a port of entry and passed credible fear interviews. The Attorney General's ruling is currently being challenged in the federal courts.



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The application for a bond redetermination hearing is made to one of the following Offices:

1. If the alien is detained, to the Immigration Court that has jurisdiction over the place of detention. Note: the filing of a charging document is not a prerequisite to a bond hearing. See *Matter of Sanchez*, 20 I&N Dec. 223, 225 (BIA 1990); or
2. To the Immigration Court that has administrative control over the case, or
3. To the Office of the Chief Immigration Judge (OCIJ) for designation of the appropriate Immigration Court to accept and hear the application.

Practitioners should follow the Immigration Court Practice Manual (<https://www.justice.gov/eoir/file/1205666/download>) when preparing motions filed before the Immigration Courts. Included as an appendix to these instructions is a Sample Cover Letter, Sample Certificate of Service, and a Sample Proposed Order taken directly from the Immigration Court Practice Manual. Use these items in preparing your Motion as they must be included in all motions filed before the Immigration Court.

A bond request can be made both orally and in writing. It can be a very detailed request, or a very basic request for bond redetermination. The minimum contents of a written bond request should contain:

1. The full name and alien registration number ("A number") of the alien
2. The bond amount, if any, set by the Department of Homeland Security
3. If the alien is detained, the location of the detention center

In general, after receiving a request for a bond hearing, the Immigration Court schedules the hearing for the earliest possible date and notifies both parties to the proceedings.

Client's Information:

Clients Name:	Gerry Garcia
Clients Alien Number:	A# 200-000-000
Detained at:	El Paso County Processing Center 8915 Montana Ave. El Paso, Texas 79925
Place of Birth:	Madrid, Spain
Date of Birth:	August 1, 1942



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Admission: Admitted on 12/20/2010 with an O-1 visa that expired on 01/15/2011.

Address if released: 710 Ashbury St., San Francisco, CA 94117

Spouse: Deborah Koons, a United States citizen, married in Las Vegas, NV on 02/14/2011

Immigration Court: El Paso, Texas Immigration Court – El Paso Processing Center

Office of the Chief Counsel: ICE Office of the Chief Counsel
11541 Montana Avenue, Suite O
El Paso, TX 79936

Instructions:

Use the template below to prepare the Statement of Facts section of a Motion for Bond Redetermination using the information from the hypothetical set of facts presented above. It may be helpful to prepare a simple bond request as well as one that provides the Court with details and a Court Order for it to follow. For the purposes of this exercise we will focus only on the motion required to get your client's case set for a hearing.

Note: For this exercise, you will only be preparing a bond motion containing the minimum information necessary to have your client scheduled for a bond hearing. Review the notes above to determine what is required in an initial Motion for Bond Redetermination. As discussed in the videos, in many cases, you may file the Motion for Bond Redetermination as soon as possible so as to limit your client's time in detention. In those cases, you would collect and prepare exhibits to file at the Bond Hearing. Waiting to collect and prepare exhibits to file with the original motion could sometimes cause delay in a hearing being set. You should check with your Court's local practices to find the best way to proceed.



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Attorney Name, Esquire
EOIR ID: _____
LAW FIRM NAME
Law Firm Address
Law Firm City/State/Zip Code

**DETAINED AT El Paso
Processing Center**

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
EL PASO, TEXAS**

IN THE MATTER OF:

GERRY GARCIA

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)

FILE A#: 200-000-000

Next Court Hearing: UNKNOWN

Immigration Judge: Unassigned

RESPONDENT'S MOTION FOR BOND REDETERMINATION



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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
EL PASO, TEXAS**

IN THE MATTER OF:

GERRY GARCIA

§
§
§
§
§

FILE A#: 200-000-000

DETAINED

MOTION FOR BOND REDETERMINATION

Comes now the Respondent, Gerry Garcia, by and through his undersigned attorney, [Attorney Name], and moves the Court to set bond. In support of this motion, Respondent states through Counsel as follows:

STATEMENT OF FACTS

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

[COMPLETE THIS PORTION]

WHEREFORE, Respondent, through counsel, respectfully requests this Court grant this Motion and release the Respondent on Bond.



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Respectfully submitted,

Attorney

EOIR ID: _____

Attorney for Respondent

LAW FIRM NAME

Law Firm Address

Law Firm City/State/Zip Code

Law Firm Telephone

Dated this _____ day of January, 2020.



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CERTIFICATE OF SERVICE

I, _____ (attorney name), hereby certify that the forgoing Motion for Bond Redetermination was served on the Office of Chief Counsel by mail at 11541 Montana Avenue, Suite O, El Paso, TX 79936.

Delivered on this _____ day of January 2020.

Attorney



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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
EL PASO, TEXAS**

In the Matter of: Gerry Garcia

A#: 200-000-000

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion for Bond Redetermination, it is HEREBY ORDERED that the motion be:

_____ GRANTED _____ DENIED because:

- _____ DHS does not oppose the motion.
_____ The respondent does not oppose the motion.
_____ A response to the motion has not been filed with the court.
_____ Good cause has been established for the motion.
_____ The Court agrees with the reasons stated in the opposition of the motion.
_____ The motion is untimely per _____.
_____ Other: _____

Deadlines:

- _____ The application(s) for relief must be filed by _____.
_____ The respondent must comply with DHS biometrics by _____.

Date

Immigration Judge

Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Atty/Rep ☐ DHS

Date: _____ By: Court Staff _____