# BOND PROCEEDINGS

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## LEGAL AUTHORITY FOR DETENTION

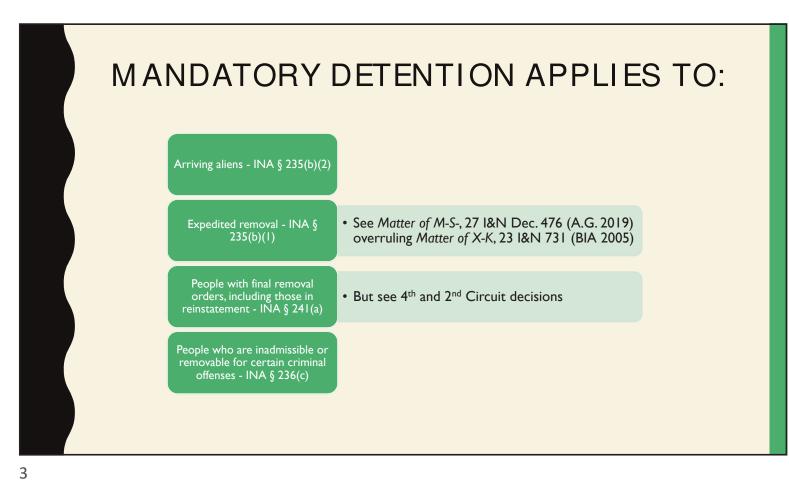
INA § 236; 8 CFR 1003.14; 8 CFR § 1236.1; 8 CFR 1003.19 (general)

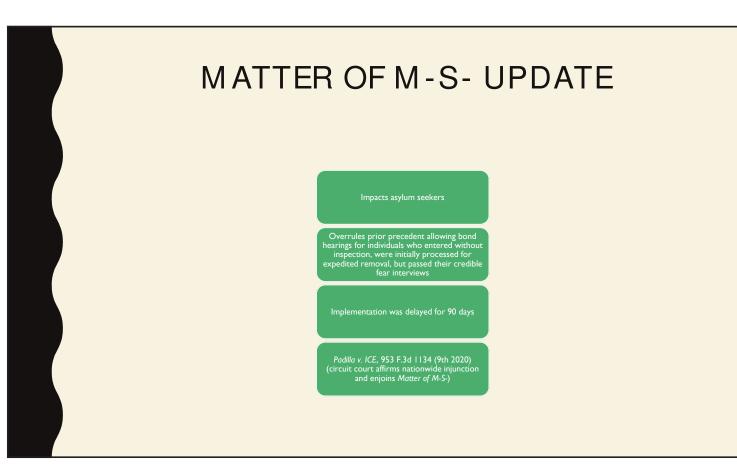
INA § 241 (final orders)

INA § 235 (arriving aliens/expedited removal)

INA § 238 (administrative removal)

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# INA § 236(C)

AG "shall" detain certain classes of people "when the alien is released" even if released on parole, supervised release, or probation. IJ has no jurisdiction to set a bond for noncitizen subject to mandatory detention.

Exception for people in witness protection program or to protect other witnesses

Applies to people released after Oct. 9, 1998

### 236(C)(1) - MANDATORY DETENTION IF INADMISSIBLE\* PURSUANT TO INA § 212(A)(2):

- Crimes involving moral turpitude (CIMT)
- Controlled substance violations
- Multiple criminal convictions with aggregate sentence of confinement of 5 years or more
- Reason to believe trafficker of controlled substance
- Prostitution

- Trafficking in persons
- Money laundering
- People who have asserted immunity from prosecution
- Foreign government officials who have committed particularly severe violations of religious freedom
- \*no conviction necessary if admission of essential elements

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Also available as part of the eCourse <u>Bond Proceedings, Challenging NTAs, Motions to Suppress, and Contesting</u> <u>Deportability</u>

First appeared as part of the conference materials for the 2020 A Practical Guide to Immigration Removal Proceedings session "Bond Proceedings (approx. 30 min.)"