

# Bond Proceedings

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# Legal Authority for Detention

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- 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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# Mandatory Detention Applies to:

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- Arriving aliens - INA § 235(b)(2)
- Expedited removal - INA § 235(b)(1)
  - See *Matter of M-S-*, 27 I&N Dec. 476 (A.G. 2019) overruling *Matter of X-K*, 23 I&N 731 (BIA 2005)
- People with final removal orders, including those in reinstatement - INA § 241(a)
  - *Johnson v. Guzman-Chavez*, 141 S.Ct. 2771 (2021) overruling 4<sup>th</sup> and 2<sup>nd</sup> circuits
- People who are inadmissible or removable for certain criminal offenses - INA § 236(c)

Also available as part of the eCourse

[2022 A Practical Guide to Immigration Removal Proceedings eConference](#)

First appeared as part of the conference materials for the  
2022 A Practical Guide to Immigration Removal Proceedings session  
"Bond Proceedings (approx. 30 min.)"