

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)

Mandatory Detention Applies to:

- 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 4th and 2nd 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.)"