

RELEASE FROM DETENTION

WHY ARE MIGRANTS DETAINED AND WHO IS RELEASED FROM DETENTION?

Immigration detention is the practice of locking up migrants while they wait for a decision from Immigration and Customs Enforcement (ICE) on their immigration case or for possible deportation. Anyone who is NOT under **mandatory detention** is allowed to ask to be released, although the Department of Homeland Security (DHS) often denies these requests. Migrants who are under mandatory detention are those who have committed certain crimes, are a security risk, or are awaiting expedited removal or deportation. Everyone else in detention has some way to ask to be let out while their case is in progress.

When deciding whether a migrant can be released, a judge or ICE official will look at whether the migrant is a risk to national security or public safety, the likelihood they will show up to their future court dates, and whether they are really vulnerable to the dangers inside detention, among other things.

HOW CAN I BE RELEASED FROM DETENTION?

<p>Bond</p>	<ul style="list-style-type: none"> •Bond is money a person pays to be released with the promise that they will return for their future immigration court appearances. •Bond can be tens of thousands of dollars. You could ask a judge to change the amount you need to pay to be released at a bond hearing, but bond cannot be lower than \$1,500.
<p>Bond in Withholding-only Proceedings</p>	<ul style="list-style-type: none"> •Immigrants in withholding-only proceedings are those who are detained and found to have old orders of removal against them, and who also express a fear to return to their home country. •Because of a recent Supreme Court case, only immigrants in withholding-only proceedings detained in these states may be let out on bond: California, Arizona, Nevada, Oregon, Idaho, Washington, Montana, Alaska, and Hawaii.
<p>Parole</p>	<ul style="list-style-type: none"> •"Arriving aliens," migrants who come to the U.S. through designated ports of entry, cannot be given bond, but they may ask for parole. •Parole is permission to be in the country for a limited period of time. ICE usually requires a migrant on parole to have a sponsor – someone they know in the U.S. who is willing to let them live with them and support them.
<p>Prosecutorial Discretion</p>	<ul style="list-style-type: none"> •Prosecutorial discretion is the official name for the ability of decision makers in the legal system to make certain decisions, rather than following a hard rule which tells them exactly what to do. •DHS can look at a person and their entire story and decide whether to be easier on them. For release from detention, prosecutorial discretion requires a request to DHS which says why you believe you deserve to be released.
<p>Habeas Petitions</p>	<ul style="list-style-type: none"> •A habeas petition is a formal request to the government that they review why they are detaining you and whether it's really necessary. •Sometimes ICE cannot deport someone right away. ICE cannot detain someone if they have no idea when they will be able to leave. If a migrant is still detained six months after a final removal order, only then may they file a habeas petition.

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