

Know Your Rights: Who Is Eligible for Immigration Bond?

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Disclaimer: This resource provides general information and changes to immigration bond since 2025. It is not legal advice specific to your situation. We recommend that community members exercise caution and speak to an experienced immigration lawyer about their individual cases.

Immigration Detention, Bond, and the Fight for Freedom

The Trump administration is arresting and detaining immigrants at an alarming rate. This is leading to very high levels of detention compared to past years. One way the administration does this is by blocking immigrants from being released, either by making new legal arguments or by not following the law.

The law says that after immigration officers arrest you, the officers generally have [three options](#):

1. Keep you in detention.
2. Release you on an immigration bond (*if you are eligible*).
3. Release you on parole.

This resource will focus on the current changes to when you can ask an immigration judge to release you from immigration detention on bond.

However, it is important to remember that bond is not the *only* way for you to be free. For example, ICE will still occasionally [grant parole](#). This is when ICE uses their authority to release someone from detention for humanitarian reasons. This is what happened in the case of [two mariachi musician](#) brothers in South Texas. ICE can also release you on an ICE bond, without a judge ordering bond.

How to Ask for Release on Parole

The way to ask ICE for release on parole is to send an email or letter to the officer in charge of your case. In detention, you will not be able to email your officer, but you can ask your officer to release you on parole. Family or friends can mail you evidence that you can show your officer. An attorney can also write or email your officer to ask them to release you and your family can include letters of support. There is no special form or fee to ask for release.

In the request to ICE, you should explain: 1) that you (or the person asking to be released) are not a danger to the public, 2) that you will show up for future appointments or hearings, and 3) any other positive factors such as volunteer work, community ties, etc. This resource from Human Rights First [has a sample](#).

What is an Immigration Bond?

- An immigration bond is a payment made to the U.S. government so you can leave immigration detention. When the government gets the payment, immigration detention officials are supposed to let you leave detention while your deportation case continues. The government [holds onto the money](#). The government is supposed to return the money if you go to all your immigration court hearings and follow immigration court orders, including a deportation order to leave the U.S.
- There are other types of bonds that are not the same thing as an immigration bond. For example, if you are arrested or charged with a crime, you may pay a bond to leave jail. But this is a different process than immigration judge bond.

Who Can Approve an Immigration Bond?

- An [ICE officer](#) can give you a bond if you are arrested by ICE or CBP. They can also approve releasing you without paying any bond.
- An [Immigration Judge](#) can also approve a bond if ICE decides to not release you from immigration detention.

Who Is Eligible for Immigration Bond?

The answer to this question is not an easy one.

Right now, who the government says is eligible for bond is different than what the law itself says. Also, the appeals board that reviews immigration court cases (the Board of Immigration Appeals or BIA) has issued decisions about bond eligibility, and these decisions generally apply to everyone in the country. However, some federal courts have disagreed with the BIA's decisions on bond eligibility. But their decisions apply to people detained only in the jurisdiction of that federal court.

In sum, this means that these sources of authority must be considered in understanding if someone is eligible for bond, and the answer may be different depending where the person is detained.

The [law says](#) you can ask to pay a bond and leave immigration detention. But the law also says there are some immigrants who **cannot** ask for bond and must stay detained during their case. Here is the list of people the laws say cannot ask for bond:

1. Immigrants who come to the U.S. border without a visa but ask for permission to enter. The law calls this group of people [“arriving” noncitizens](#).
 - An example is someone who came to the U.S. and Mexico border, was stopped by immigration officers and sometimes detained, but were given permission to enter the country for a short time, called “parole.” This group also includes people who would normally have been deported very quickly but instead were interviewed by asylum officers because they said they were afraid to return home. This process is called “expedited removal” and the interview is called a “credible fear interview.”
2. Immigrants with certain criminal records for things like stealing, fighting, domestic violence, and having or using drugs (including some marijuana offenses). This [resource](#) from the National Immigrant Justice Center (NIJC) has the full list in English and Spanish.
3. Immigrants who already have a deportation order.

In June 2025, the government [announced it](#) believes there is a fourth group of people who cannot get bond based on the immigration laws:

4. Immigrants who entered the country without permission, were not stopped by Border Patrol, and are living in the U.S.

This fourth category is a **big change** in how bonds have worked for years. We go into detail about this change here: [Rapid Response Update on Bond Eligibility for Undocumented Immigrants - NILC](#).

Unfortunately, at least two federal courts have agreed with the government. These are the Fifth and Eighth Circuit Court of Appeals. These [courts have control](#) over the cases of immigrants detained in several states. These include:

- **Fifth Circuit:** Texas, Louisiana, Mississippi, Arkansas
- **Eighth Circuit:** Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota

The decision of these courts applies, even if immigration officers arrested you in a different place and then transferred you.

However, attorneys for immigrants are fighting back and arguing that the government is wrong to not allow people who entered the country without permission to ask for bond. A different federal court in case called *Maldonado Bautista vs. DHS* has agreed and in February 2026, ordered immigration judges to give bond hearings to these immigrants, even if they entered the country without permission. Unfortunately, the government appealed this decision, so the *Maldonado Bautista* court order has been on pause since March 6, 2026, except for immigrants detained in the Central District of California. This area includes immigrants detained at the Adelanto ICE Processing Center in Adelanto, CA. Before the government filed their appeal, the court had also required ICE to give immigrants information about this decision in English and Spanish. You can see those notices in [English](#) and [Spanish](#) here.

The Power of Habeas Petitions

If ICE and the immigration judge have both said you cannot ask for bond, there is still another way to ask for release. You can file something called a “[habeas petition](#).” Its official name is: a petition for habeas corpus. The National Immigration Project of the National Immigration Lawyers Guild has this resource in English and Spanish on filing a “habeas” petition: [Habeas Explainer & Pro Se Filing Instructions | NIPNLG](#)

When you file a habeas petition, you are asking a federal judge to protect your right to be free since ICE is keeping you in detention without a bond hearing.

Some of the things that a federal judge can do after receiving your habeas petition are:

- Order the immigration judge to give you a bond hearing,
- Order the immigration judge to give you a bond.
- Order ICE to release you.

Immigration judges are not supposed to ignore a federal court order but if they do, you can go back to the federal judge. This is true even for people detained in the states under the Fifth and Eighth circuit.

If you are someone who entered the country without permission, it may make sense for you to focus your resources on a habeas petition. However, only a consultation with an experienced immigration attorney is the best way to decide.

What Could Change?

Other federal courts may soon issue their own decisions on the question of who is eligible for bond. This means that where ICE is detaining an immigrant may decide if they are

eligible for bond or not. This issue could go all the way to the U.S. Supreme Court before we know for sure who is eligible for immigration bonds.

Three Frequently Asked Questions

1. How Soon After I Am Arrested Can I Ask for Bond?

- You ask for a bond soon after officials finish what is called the “booking-in” process. Officers should give you a paper that tells you of your right to have a hearing with an immigration judge and to leave jail with or without paying a bond. You can mark on the paper that you want a hearing.
- At your first hearing, you can tell the immigration judge you would like to ask for bond. The judge will likely give you time to prepare for a bond hearing and find an attorney.
- **Most people only get one chance to ask the immigration judge for an immigration bond.** The judge may or may not explain that you can wait to make sure you have all the evidence ready. You should ask the immigration judge to consider your connections to the community, and if it’s possible gather evidence such as a home lease or mortgage, proof of employment, volunteer records, letters of support from community members, and other evidence showing your community ties. If you do not have a lawyer, you can use [this guide](#) from the Florence Immigrant & Refugee Rights Project: Bond Guide.
- If you have a lawyer, they can send a written request called a “motion” to ask for a bond hearing. They do not have to wait for your first hearing to send in the request. The motion should include as much evidence as possible for why the immigration judge should approve your bond. Here are some resources for attorneys new to requesting bond: [Bond Archives - Immigration Justice Campaign](#).
- There is no limit to how high a bond can be set. There is only a minimum amount (\$1500). Unfortunately, some immigration judges will set very high bonds that make it very difficult or impossible for immigrants to pay.

2. What Happens If My Bond Is Denied?

- If the immigration judge denies your bond, your case will continue but you will be in detention. It is not uncommon for the immigration judge to then ask you if you want to give up and be deported as quickly as possible. For some people, you may be given the option to ask for “voluntary departure.” You can read more about this option [in this resource](#) from the National Immigration Justice Center (NIJC). In detention, you may also be told you can use CBP Home to leave jail. We have more information on this program here: [Know Your Rights: CBP Home - NILC](#).

- You can also try to appeal the decision of the immigration judge, but you will stay in detention during the appeal. You can continue to fight to stay in the U.S. even if your bond is denied.
- If something changes in your life that could convince an immigration judge to change their mind, you can ask for a new bond hearing. But you will have to show that something has changed from the last time the immigration judge looked at your case. For example, if you had a criminal case that was pending when the judge denied your bond but that case has been dismissed.

3. How to Pay A Bond?

- Immigration bonds can be paid in person or through an ICE website called CeBonds: [Post a Bond | ICE](#).
- Community Justice Exchange has this guide in many languages for immigrants paying immigration bond online using CeBonds: [A Guide for Paying an Immigration Bond Online – Community Justice Exchange](#).
- There are immigration bond companies that will pay a bond for immigrants. They make money by charging immigrants fees, usually every month, to pay the bond. Before signing any contract, have the company representative clearly go through it with you in a language you understand and explain if they charge any extra fees or penalties.
- If you do not have money to pay the bond, you can try to ask for financial support from the National Bail Fund Network: [National Bail Fund Network – Community Justice Exchange](#).