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Enforcement and Removal Operations

Bond Management Handbook

Approved

(b)(6);(b)(7)(C)

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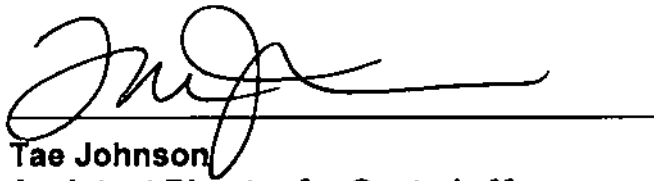
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Foreword

This Bond Management Handbook (Handbook) provides ERO Field Office personnel with a comprehensive explanation of immigration bond policies and procedures from the time a bond is first issued until it is breached or canceled. Immigration bonds perform a critical role in efficiently administering immigration laws. Bonds allow the Federal Government to avoid the expense of detaining aliens while removal proceedings are conducted.

This Handbook takes a tiered approach to provide information about managing immigration bonds. The body of the Handbook addresses general policies while appendices provide more detailed guidance and examples of critical documents used in managing immigration bonds.

I am confident that this Handbook will help ERO personnel to more effectively manage immigration bonds and better understand the highly technical aspects of bond management.

A handwritten signature in black ink, appearing to read 'Tae Johnson', is written over a solid horizontal line.

Tae Johnson
Assistant Director for Custody Management
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

I. Introduction

A. Background

This Bond Management Handbook (Handbook) provides guidance and detailed procedures for issuing immigration bonds and processing bond paperwork, including demand notices, breach notices, breach rescission notices, and cancelation notices.

The audience of this Handbook includes the ERO officers who process bonds and Financial Operations-Burlington (FinOps-Burlington). The body of the Handbook provides general guidance on immigration bonds. The appendices contain detailed procedures for handling bonds as well as samples of bond forms. Obtain forms from the inSight ICE Forms home page or EAGLE in order to make sure you are using the most recent approved version of a form.

Send any questions, comments, or concerns about immigration bonds to the Bond Management Unit (BMU) at the Headquarters (HQ) ERO Bond mailbox at (b)(7)(E). Additional information about the immigration bond program may be found at the (b)(7)(E).

The procedures detailed in this Handbook are intended for the internal management of ICE and do not create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against ICE or any agency of the Federal Government. Any failure of ICE to comply with any provisions in this document shall not be available to any person or entity as a defense, except as otherwise required by law.

B. Sensitive Personally Identifiable Information (SPII)

Department of Homeland Security (DHS) policy designates A-Numbers as SPII and should only be shared with those who have a need to know. SPII is any personally identifiable information about a person which, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to the individual. All SPII must be handled in compliance with the (b)(7)(E).

When sending documents via the U.S. Postal Service, UPS, or any other commercial mail carrier, do not use the A-Number as a reference number on tracking forms, return receipts, envelopes, or packages. If you need an identifying number to track a shipment or to file a return receipt, use the bond number. Using "EARM" and "BMIS," you can search by the bond number to identify the alien and his or her A-Number.

C. Immigration Bond Overview

The immigration bond program allows ICE to avoid detention costs for aliens who are released from custody on bond. In FY 2013, 45,179 immigration bonds were posted in

the amount of \$243 million. Each bond is in effect for an average length of 25 months, which translates into hundreds of millions of dollars saved in detention costs.

Another benefit of the bond program is that, by statute, the amounts collected on breached bonds are deposited into a special fund called the Breached Bond Detention Fund (BBDF). ICE may use money deposited in the BBDF to pay for detention bed space and costs incurred in collecting amounts due on breached bonds. To reap the benefits of a well-administered bond program, ICE employees processing bonds should fully understand how bonds are issued and managed so that the bonds serve as an effective incentive for aliens to surrender into ICE custody, timely depart the United States, or comply with the terms of an order of supervision.

Three different entities within ICE – the BMU, ERO Field Offices, and FINOPS-BURLINGTON – are directly involved with immigration bond management. The BMU, part of HQ ERO Custody Management, supports field operations by providing guidance related to immigration bond management to achieve uniformity in bond processes and procedures. ERO employees in the Field Offices and sub-offices issue bonds and process bond paperwork. FINOPS-BURLINGTON employees, as part of the Office of Financial Management, oversee the financial aspects of bonds, such as refunding cash deposits on canceled bonds, issuing invoices for breached surety bonds, and issuing interest payments on breached or canceled cash bonds. Office of the Principal Legal Advisor (OPLA) attorneys support all three of these entities by providing legal advice in the performance of their functions. An explanation of the responsibilities of each office is set forth in Appendix 1.

II. Issuing Immigration Bonds

A. Legal Authority for Issuing Bonds

Immigration bonds are issued pursuant to the broad grant of authority to the Secretary of Homeland Security to “prescribe such forms of bond” to carry out the authority delegated under the Immigration and Nationality Act (INA). 8 U.S.C. § 1103(a)(3).

The primary regulatory authority addressing immigration bonds is codified at 8 C.F.R. § 103.6. While this section is titled “Surety Bonds,” it encompasses both bonds secured by cash and bonds issued by surety companies. Because this regulation was issued by the former Immigration and Naturalization Service (INS), it includes bonds that are not currently issued by ICE, such as public charge bonds and maintenance of status bonds.

Pursuant to 8 C.F.R. § 103.6, Field Office Directors (FODs) are authorized to approve bonds and to take appropriate action to protect the interests of the United States with respect to such bonds. Enforcement Delegation Number 001 also enables FODs to re-delegate this authority to appropriate subordinate ICE officials. After an immigration bond has been posted to release an alien from ICE custody, a FOD at any time may revoke the bond, rearrest the alien under the original warrant, and detain the alien. 8 U.S.C. § 1226(b).

