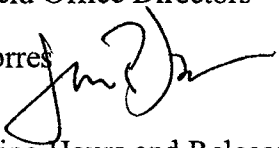




U.S. Immigration
and Customs
Enforcement

DEC 18 2006

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

FROM: John P. Torres
Director 

SUBJECT: Bond Posting Hours and Release Policies and Procedures

Purpose

This memorandum updates bond policies through the establishment of uniform bond posting hours and ensures the expeditious release of aliens once the bond has been posted. These policies and procedures are for all Detention and Removal Operations (DRO) offices and facilities that accept cash and surety bonds.

Background

Historically, Field Offices established local policy for the hours in which bonds can be posted and when to release an alien from DRO custody upon the posting of a bond. These local policies have varied widely from one Field Office to another. This has resulted in some ambiguity for obligors and resulted in complaints from the public to their congressional representatives or to the Assistant Secretary. The Bond Management Unit (BMU) is working to improve the public's accessibility to, and understanding of, DRO's bond posting policies and procedures through the creation of a public BMU website.

Following discussions with the Field Offices on November 20, 2006, it was agreed that uniform policies on these matters should be representatives established. With continued enhancements and uniformity in bond management, it is appropriate that there be a continued standardization of bond policies.

Discussion

Effective immediately, all DRO offices that accept the postings of cash and surety bonds are to begin servicing the public between the hours of 9:00 AM until 3:00 PM local time. Upon the posting of the bond by, or on behalf of, a detained alien, the detained alien shall be released from the custody of DRO that same day. It is, and has been, DRO policy to release the alien without unnecessary delay. The hours of operation at DRO offices and facilities extend beyond, 3:00 PM, therefore, upon receipt of a bond posting, that period should allow adequate time for the release of the detained alien. If the alien cannot be released that day or in a safe

and responsible manner (i.e. late night hours, unsafe area, etc.), the bond should not be accepted until such time as appropriate arrangements for the alien's release can be made. This must be explained clearly to the obligor.

If an alien is determined to be eligible for release on bond after a final order of removal has been issued and has met the regulatory requirements as set forth at 8 CFR §241.4, then pursuant to 8 CFR 241.5(a) the alien *shall* be released pursuant to an order of supervision (OSUP).

For OSUP bonds, section C of the Bond Contract, Form I-352, must contain, "*Bond conditioned upon delivery of the alien upon request and his/her compliance with an order of supervision, Form I-220B*". An explanation as to the responsibilities incurred with the posting of an OSUP bond must be explained to the obligor and a copy of the signed OSUP will be attached to both the obligor's and the agency's copy of the Bond Contract. Therefore in addition to a bond, an OSUP will immediately be issued to the alien upon his/her release from DRO custody.

Also, please ensure that additional conditions for release such as delivery of a travel document, birth/identity documents, travel arrangements, etc. are satisfied before allowing a bond to be posted.

You may direct your bond questions and inquiries to the HQ DRO BOND@dhs.gov e-mail box or contact [REDACTED] b6,b7c, DDO, Liaison Officer, HQBMU at 202-616-[REDACTED] b6,b7c