

I.C.E. Holds and Immigration Bonds

Frequently Asked Questions

What is ICE?

“ICE” means Immigration and Customs Enforcement. ICE is the immigration police for the federal government and is responsible for enforcing immigration laws.

What is an “ICE Hold”?

An “ICE Hold” is simply a written demand from ICE that requires state authorities to hold you so that ICE can take you into custody after you are released from state custody.

How long can the state hold me before ICE has to get me?

48 hours (not including Saturdays, Sundays, and holidays).

If I have an ICE hold, how can I get out of jail?

1. Post the bond in your state criminal case OR work out your case by plea bargaining and completing any sentence imposed by the judge, AND
2. Go into immigration custody and post an immigration bond.

Many people facing ICE holds believe that there is no choice but to take the first plea bargain offered. Jailers, police officers, ICE officers, prosecutors, judges and even misinformed defense attorneys often convince defendants that they have to remain in jail until their state case is resolved.

NOT TRUE! In most cases, you can bond out of state jail and then bond out of ICE custody. Then you can deal with the state charges in state court and the deportation matter in immigration court while free on bond.

What if the jail tells me I can't put up a bond or it is no use putting up a bond?

If a state bond has been set, an illegal alien has the right to post the bond. Jailers often tell people trying to post

bonds for illegals that they can't post a bond because they want to help ICE and make you believe that you have no alternative to deportation. Call us if you have this problem.

The district attorney is offering me a deal with no more jail. Should I just take it?

Jail is not the only consequence of being convicted of a crime. It is true that many crimes will not necessarily prevent you from getting admitted to the U.S. in the future (e.g., traffic offenses, most misdemeanors, many property crimes, DUI's, and even some domestic violence crimes).



On the other hand, many times “making a deal” to get out of jail causes serious immigration consequences. You may plead your way out

of jail only to find out that you are now forever barred from returning to or staying in the U.S. because of your “deal”.

Sometimes your best option is to reach a deal before trying to bond out. Other times this is a bad idea. If you are patient, you may be able to negotiate a plea bargain that will not have drastic immigration consequences. You may also be able to win your case at a jury trial and have no conviction at all.

It is important to remember that neither the judge nor the prosecutor is required to explain immigration consequences to you. In fact, most defense attorneys aren't even trained enough to explain them. Before taking a deal, you need to consult with an attorney who is trained in both criminal law and immigration law so that you understand the immigration consequences of your plea.

Am I eligible for an immigration bond?

Yes, unless you are subject to mandatory detention. Mandatory detention means you have to stay in immigration custody until your deportation case is over. You are subject to mandatory detention if you have previously been convicted of:

- a “crime involving moral turpitude” (CIMT)
- a drug-related offense

NOTE: There is a “petty offense exception” to CIMT’s, but not drug offenses. If the maximum penalty possible is 1 year or less and if actual imprisonment imposed is 6 months or less, then the offense is not a CIMT.

You will also be denied an immigration bond if you are already subject to a prior deportation order.

How much will an immigration bond cost?

Immigration bonds range from a minimum of \$1,500 to \$20,000. In western Colorado, the lowest bond ICE is setting is \$10,000. If the bond is too high, you have a right to see an immigration judge in Denver. The ultimate bond amount depends upon 3 fundamental questions:

1. Are you eligible for an immigration benefit;
2. Do you have a spouse and children in the U.S.; and
3. Are you considered a danger to the community?

Consult an immigration attorney to determine if you are eligible for an immigration benefit.

Can I use a bondsman?

Local bondsmen usually will not post a state court bond for illegals with ICE holds, nor can they post immigration bonds. You or your friends and family will have to post bonds in cash, or find an immigration bonding company on the Front Range. We recommend that you post your immigration bond in cash if you can. If not, we can refer you to some Front Range bonding agents.

Will I get my money back?

Putting up the bonds in cash has one big advantage. If you attend all your court appearances, the entire amount of the bond will be returned at the end of your case. If you use a bondsman, the premium charged by the bondsman will not be returned.

Where do I pay the bond?

You pay the **state bonds** at the jail. In Garfield County, you go the bondsman’s entrance on the north side of the jail. In Eagle County, you go to the Eagle County Justice Center. The bond can be posted any time, night or day.

Immigration bonds are paid at the ICE office in Denver located at **12445 E. Caley Ave., Centennial, CO 80111**. Bring a U.S. photo I.D. and your social security card. See the map below.



HESS & SCHUBERT, LLP is dedicated to people who need the help of experienced trial lawyers. Ted Hess and Bill Schubert have more than 50 years of combined experience handling difficult immigration, criminal, and personal injury cases. It is the only firm in Western Colorado with the experience necessary in both criminal law and immigration law to handle the difficult issues faced by undocumented immigrants who are charged with crimes.



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