

ICE Holds

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, similar to a warrant from another jurisdiction, 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?

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

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

1. Resolve your case by plea bargaining and completing any sentence imposed by the Judge, or post your state bail
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.

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 crimes could cause 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.



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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 removal 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 \$1,500.00 to \$20,000.00. The ultimate cost depends upon two fundamental questions: (1) Are you eligible for an immigration benefit; and (2) Are you a "flight risk"?

Your bond is likely to be lower if you have applied for or are eligible to apply for an immigration benefit. Consult an immigration attorney to determine if you are eligible for an immigration benefit.

Whether you are a flight risk depends upon what you are charged with, whether you have any other criminal history, and whether you have strong ties to your community, e.g., family members who live there and a good work history.

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Can I use a bondsman?

Local bondsmen usually will not post a state court bond for illegals with ICE holds, nor will 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 state bonds at the jail. In Garfield County, you go to the bondsman's entrance on the north side of the jail. The bond can be posted any time, night or day.

Immigration bonds are paid at the ICE office in Denver located at 4730 Paris Street, Denver, CO 80239. Bring a U.S. photo I.D. and your social security card.

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