

Community Explainer

September 2026 Updates to Immigration Bond

 LEGAL AID
JUSTICE CENTER
www.justice4all.org

SUMMARY

On September 10, 2026, in a case called *Lopez Garcia*, the Fourth Circuit reversed a Trump administration policy that prevented millions of undocumented people from seeking release from detention in a bond hearing in immigration court.

Now, for the first time in a year, many individuals may once again be able to seek release directly from the immigration court—without having to first file a habeas petition. This means that access to a bond hearing will be faster for many.

This is a complicated win because:

- *Bond cases are being denied in record numbers.* While we celebrate this decision, we also recognize bond cases may continue being denied at very high rates.
- *Also, not everyone is eligible for bond.* Mandatory detention rules will continue to prevent the possibility of release from immigration detention for many, even after this decision.

General recommendations on how to prepare for a bond hearing:

- The detained person should be prepared to show that they do not pose a danger to society and that they are not a flight risk.
- In general terms, a strong bond package should include, among other things: letters of support from family members and/or friends, a letter from a sponsor, a letter from the employer, a lease agreement, documents from the children's school, etc.

Points to keep in mind:

- Consult a trustworthy immigration attorney to determine whether you are eligible for bond and whether you should first file a habeas petition. The answer depends on the facts of each case.
- Please be sure that anyone providing legal advice is a licensed attorney with immigration experience and is in good standing with their state bar. If you are consulting with a DOJ-accredited representative, make sure they are on the official list: <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>. DOJ accredited representatives cannot file a habeas petition.
- As always, be aware of scams and notario fraud.

Resources:

- **PODER VA hotline (1-844-253-7882):** call if a loved one is detained to receive resources and possibly legal support.
- **Check our website** to find useful information about Know Your Rights, Emergency Preparedness toolkit, and the phone numbers of our offices: <https://www.justice4all.org/rapid-response-toolkit/>