

107TH CONGRESS
2^D SESSION

H. R. 5750

To amend the Immigration and Nationality Act to eliminate the restriction on judicial review of detention and release determinations and to provide a right to a bond hearing before an immigration judge to all aliens in removal and summary removal proceedings.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2002

Mrs. MEEK of Florida introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to eliminate the restriction on judicial review of detention and release determinations and to provide a right to a bond hearing before an immigration judge to all aliens in removal and summary removal proceedings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigration Bond
5 Fairness Act of 2002”.

1 **SEC. 2. RIGHTS RELATING TO DETENTION AND RELEASE.**

2 (a) **ELIMINATING LIMITATION ON JUDICIAL RE-**
3 **VIEW.**—Section 236 of the Immigration and Nationality
4 Act (8 U.S.C. 1226) is amended by striking subsection
5 (e).

6 (b) **RIGHT TO IMMIGRATION BOND HEARING.**—Such
7 section 236 is further amended by adding at the end the
8 following new subsection:

9 “(e) **IMMIGRATION BOND HEARINGS.**—

10 “(1) **RIGHT TO HEARING.**—Any alien in re-
11 moval or summary removal proceedings (including
12 an inspection under section 235(b)(1)(A)), whether
13 charged as inadmissible or deportable, shall have the
14 right to a bond hearing before an immigration judge
15 on the alien’s continued detention by the Attorney
16 General.

17 “(2) **CRITERIA IN HEARING.**—The criteria for
18 such a bond hearing shall be governed by principles
19 that allow for bond except in circumstances where—

20 “(A) the alien is a danger to society;

21 “(B) the alien is a threat to national secu-
22 rity; or

23 “(C) the alien is likely to abscond and no
24 other measures would assure the alien’s appear-
25 ance.

1 “(3) LIMITATION ON AUTOMATIC STAY.—The
2 Attorney General may not, by regulation or other-
3 wise, obtain an automatic stay of an alien’s release
4 from detention where an immigration judge has
5 issued a decision providing for release.”.

6 (c) CONFORMING AMENDMENT.—Section
7 235(b)(1)(A)(i) of such Act (8 U.S.C. 1225(b)(1)(A)(i))
8 is amended by inserting “subject to section 236(g),” after
9 “212(a)(7),”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of the enactment
12 of this Act and the amendment made by subsection (b)
13 shall apply to all aliens in removal or summary removal
14 proceedings who are in detention on or after such date.

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