



OOD  
PM 25-49  
Effective: September 15, 2025

To: All of EOIR  
From: Sirce E. Owen, Acting Director  
Date: September 15, 2025

## CLERICAL TRANSFERS OF BOND REDETERMINATION REQUESTS

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PURPOSE:	To provide guidance on clerical transfers of bond redetermination requests
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

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In general, any alien detained by the Department of Homeland Security (DHS) may request a custody determination before an Immigration Judge.<sup>1</sup> An Immigration Judge may conduct a bond hearing to redetermine the amount of bond set by DHS *only* upon request by the alien or his or her attorney or representative. *See* 8 C.F.R. §§ 1003.19(a)–(b); EOIR Policy Manual, Part II, Ch. 9.3(a) (last visited Sept. 3, 2025); *see also Matter of P-C-M-*, 20 I&N Dec. 432, 434 (BIA 1991) (holding that an Immigration Judge does not have the authority to redetermine an alien’s custody status on the Immigration Judge’s own motion and may do so only upon request of the alien or his or her representative). Aliens detained by DHS may be transferred to more than one DHS detention facility during the span of their proceedings, and in some cases these transfers occur before a requested bond hearing is scheduled. In such situations, an alien has requested a bond redetermination before an Immigration Court with presiding authority over the alien’s current place of detention, and, before that alien’s bond hearing is held, he or she is transferred by DHS to a different detention facility that is outside of that particular Immigration Court’s geographic area of responsibility. Accordingly, this Policy Memorandum (PM) provides Immigration Courts with operational guidance on how these pending bond redetermination requests should be processed.

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<sup>1</sup> Whether an Immigration Judge has jurisdiction or authority to redetermine the conditions of custody of a detained alien is a distinct question. Accordingly, EOIR will generally accept any custody redetermination request from an alien detained by DHS—and then schedule a bond hearing—even if the Immigration Judge ultimately determines that jurisdiction or authority to grant the alien’s request is lacking. Bond proceedings are separate and apart from removal proceedings. *See* 8 C.F.R. § 1003.19(d). Importantly, the Immigration and Nationality Act “does not give detained aliens any *right* to release on bond.” *Matter of D-J-*, 23 I&N Dec. 572, 575 (A.G. 2003). Instead, it “merely gives the Attorney General the authority to grant bond *if* he [or she] concludes, in the exercise of broad discretion, that the alien’s release on bond is warranted.” *Id.*

Upon receipt of a Form I-830 as evidence that DHS has transferred an alien to a detention facility outside of the geographic area of responsibility of the Immigration Court where the alien's bond redetermination request is pending, the alien's bond redetermination request must remain pending and will be "clerically transferred" to the appropriate presiding Immigration Court. Further, an Immigration Judge lacks authority to withdraw a bond redetermination request on behalf of an alien if DHS transfers the alien during the pendency of the alien's bond hearing. An alien's bond request can only be withdrawn if affirmatively requested by the alien or his or her representative. Thus, the original Immigration Court should not treat the request as "withdrawn" unless it is, in fact, withdrawn by the alien or the alien's representative.

This clerical transfer must occur within 48 hours of notification of the alien's transfer. *Cf. Matter of Cerda Reyes*, 26 I&N Dec. 528, 531 n.8 (BIA 2015) (recognizing "that there must be coordination between [] OCIJ and [] DHS to ensure that aliens receive prompt hearings at the appropriate venue"). Following the clerical transfer, the receiving Immigration Court must schedule a custody redetermination hearing within established timeframes. Following these procedures ensures prompt custody redetermination hearings, even when an alien is transferred between detention facilities.

This PM is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing herein should be construed as mandating a particular outcome in any specific case. Nothing in this PM limits an adjudicator's independent judgment and discretion in adjudicating cases or an adjudicator's authority under applicable law.

Please contact your supervisor if you have any questions.