

BOND ISSUES IN CRIMINAL PROCEEDINGS FOR NONCITIZENS AND NONCITIZEN VICTIMS –

Issues to include in criminal case bond conditions:

___ It appearing that Immigration Status is an issue, the following are incorporated into the Conditional Bond of as follows:

- _____ Defendant shall give petitioner access to , or copies of, any documents supporting victim’s immigration status;
- _____ Defendant shall not withdraw application for permanent residency filed on behalf of victim and shall take any and all action necessary to ensure that the victim’s application for permanent residency is approved;
- _____ Defendant shall not contact INS, the _____ Consulate or _____ Embassy about victims’ immigration petition;
- _____ Defendant shall return to Victim: Victim and children’s work permit, ID card, bank card, baptismal certificate, driver’s license, social security card, passport, alien registration receipt card, passport stamp, marriage license and proof of divorce of Defendant and copies of school records, leases, rent receipts, utility bills and income tax returns. Defendant shall provide copies of Defendant’s work permit, passport, certificate of naturalization or citizenship, alien registration receipt card or passport stamp, work permit, ID card, bank card, baptismal certificate, social security card and driver’s license.
- _____ The Defendant shall provide proof of a good faith marriage to Victim, including family photos, papers, documentation or other objects relating to the marriage, copies of respondent’s divorce certificates for any previous marriages and/or information about where such divorce decrees may be obtained as well as a copy of his birth certificate.
- _____ The Respondent was born in _____ (city), _____ (state/region/province) and _____ (country)
- _____ The Respondent shall pay to Victim all costs associated with replacing documents destroyed, hidden, or claimed to be missing by the respondent including, but not limited to the Defendant’s or the children’s passports, social security cards, alien registration cards, birth certificates, work permits, bank cards or drivers’ licenses.
- _____ The Respondent shall pay any and all fees associated with the petitioner’s and/or children’s immigration case.
- _____ The Respondent shall sign a Freedom of Information Act form with it being given to Victim or Victim’s attorney.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as codified at 8 U.S.C. § 1227 (a) (2)(E) makes a violation of this Order a deportable offense.

Sample Bond Conditions Form For Cases Involving Noncitizen victims or

defendants:

IN THE SUPERIOR COURT OF PERFECT COUNTY
STATE OF GEORGIA
STATE OF GEORGIA

INDICTMENT NO. _____

BOOKING NO. _____

vs

- CHARGE(S): 1) _____
2) _____
3) _____
4) _____
5) _____
6) _____
7) _____
8) _____
9) _____

DEFENDANT)

SPECIAL CONDITIONS BOND FOR FAMILY VIOLENCE
ORDER FOR BOND

The aforesaid matter having come before this Court for a regular scheduled Bond Hearing, and it hereby **ORDERED** that Bond is set as follows: \

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____ (6) _____
_____ (7) _____ (8) _____ (9) _____

- _____ That bond be set at _____ total bond.
- _____ Sign Own Bond to participate in Perfect County Pretrial Program
- _____ 10 % Bond Pretrial Program to participate in Perfect County Pretrial Program
- _____ That bond be denied for the following reason(s):
 - a) _____ The accused poses a significant risk of fleeing from the jurisdiction of the court or failing to appear in Court when required.

trial.

- b) _____ The accused poses a significant threat or danger to any person, to the community or to any property in the community.
- (c) _____ The accused poses a significant risk of committing a felony pending

(d) _____ The accused poses a significant risk of intimidating a witness or otherwise obstructing the administration of justice.

That the defendant report to Perfect county Pre-trial Services at 34 Peachtree Street, Suite 300, Atlanta Georgia, 404.893.2626 on the following business day at _____ am./p.m.. This and all subsequent appointments and participation directives are mandatory requirements and failure to do report and comply as directed may result in revocation of your bond.

You are herein ordered to appear at the All Purpose Hearing on _____ at a.m./p.m. at Perfect County _____, Courtroom #, Atlanta, GA or report to the Deputy Clerk of the Magistrate Court as follows:

been met.

The purpose is to determine if the requirements of the conditional bond have

Other findings. considerations. conditions:

- (a) _____ Screen for Drug Court eligibility and/or participation as required;
- (b) _____ Refrain from unauthorized and illegal use of drugs/alcohol;
- (c) _____ Submit to drug and alcohol testing and/or treatment as required by probation officer and/or law enforcement officer either by written or oral request to a breath, urine, and/or blood specimen for analysis for the possible presence of any substance prohibited or controlled by any law of the State of Georgia and/or illegal use of alcoholic beverages or the use of alcoholic beverages when said use is prohibited by this case;
- (d) _____ Maintain full time employment, school or GED as directed;
- (e) _____ Report to the Probation Officer as directed, and the Probation Officer shall be able to visit the defendant's home;
- (f) _____ Defendant shall not change present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time, without the prior permission of the Probation Officer or the Court;
- (e) _____ Shall pay the cost of probation, supervision, testing, and treatment of defendant. Monthly probation costs are \$ _____.
- (e) _____ Other : _____

That the defendant have no contact directly or indirectly with the victim, victim's family, professional, personal, or close associates, by phone, mail, electronic methods, or through third party, including at victim's work place, church, home or daycare. If defendant encounters victim, defendant must leave immediately, and must not come within 200 yards of the victim or her family. That the Defendant shall not possess any weapons or permits to maintain such arms. All POST certified officers have the authority to confiscation of all Weapons and Permits and maintain in their possession until further order of the court. Defendants failure to comply with said provision may subject Defendant to the federal offense punishable by up to ten years imprisonment 18U.S.C. §§ 922 (g) (8), 924 (a) (2);

_____ It appearing that the defendant and the victim have children, but they are not married, and the father has no legal rights to the children as granted by the Superior or Juvenile Court;

_____ The parties are married and pursuant to OCGA and visitation shall occur as follow:

- _____ No Visitation
- _____ No Visitation until such time as the Defendant completes court ordered counseling;
- _____ Supervised Visitation of the defendant in the presence of

_____ Defendant shall not remove the children from the court's jurisdiction and/or the United States absent a court order and shall relinquish the children's passports to the petitioner or the Court. Further the Respondent or someone on Respondent's behalf shall not request a visitor's visa or other visa for the child(ren) of the parties absent an order from the Court.

_____ It appearing that Immigration Status is an issue, Exhibit B is attached hereto and incorporated herein.

_____ The defendant is hereby ordered to pay the sum of _____ to the victim as restitution for the damage of property as follows

_____ The defendant is hereby ordered to pay the sum of _____ to the victim as support for the victim and/or minor children as follows

_____ The defendant shall not be entitled to the Victim's telephone numbers and addresses or Victim's residence, place of employment, school or daycare. Defendant's attorney shall not provide such information to the Defendant. O.C.G.A. §17-17-10.

_____ Victim is entitled to notification of the defendant's release from incarceration and custodial authority shall be responsible for notifying victim pursuant to the guidelines set out by law. Victim must provide a landline number and may designate another person to receive such information. O.C.G.A. §§ 17-17-5 (a), 17-17-7, and 17-17-14.

This Order is enforceable throughout the state of Georgia and all other forty nine states, Indian territories, and District of Columbia. Violations can be punished under state and federal law, may be criminal and civil in nature, falling under the Violence Against Women Act, Parental Kidnapping Prevention Act, Uniform Child Custody Jurisdiction Act, the International Child Abductions Remedies Act, and O.C.G.A. Violations of this order may subject the defendant to serious sanctions, such as aggravated stalking, misdemeanors, jail and/or fine.

This order can not be modified in any manner other than by the Court and shall remain in effect until further order of the Court and during the pendency of this case.

SO ORDERED this _____ day of _____ 2002.

County

JUDGE, Magistrate Court of Perfect

This is to certify that a true and correct copy of this Order has been delivered in person to the Defendant who has been duly instructed regarding the conditions of bond.

Date

Defendant

Probation
Officer/Deputy
Clerk/
Judge