



## INFORMATION FOR BONDSPERSONS

### **What is the role of a bondsperson?**

As a bondsperson, you will be depositing and/or pledging money to ensure that the person in detention will follow all conditions of the release order. You may also consider offering residence to the person in detention. It will be the Member hearing the case who will decide if your offer, along with other conditions, is a suitable alternative to detention. If the person does not obey all the release conditions, the Canada Border Services Agency (CBSA) may keep the money you deposited and/or pledged. If you are aware that the person is not complying with the release order, you must notify the CBSA immediately in order to fulfill your responsibilities as a bondsperson.

### **What makes a bondsperson suitable?**

Bondspersons should be expected to testify during a detention review in order for the Member to assess if you are suitable. Some considerations include, but are not limited to:

- be a Canadian citizen or permanent resident of Canada (if pledging a performance bond)
- be at least 18 years old
- be present and currently residing in Canada (if pledging a performance bond)
- know the person in detention
- come forward of your own free will
- be willing to pledge your own money
- offer supervision to the person in detention

### **How much money is required?**

There is no specific amount of money required; the amount you are willing to post is up to you. The final amount will be determined at the hearing by the Member. There are two types of bonds: deposits and guarantees.

### **What is a deposit?**

This is commonly referred to as a cash bond. At the hearing you will be asked where the money is coming from. It cannot be the funds of the person in detention. The person in detention will not be released from detention until these funds have been deposited. The methods for deposits are administered by the CBSA.



### **What is a guarantee?**

This is commonly referred to as a performance bond. You will be obliged to pay the money that you pledge if the person does not respect the conditions of his or her release order. The CBSA will assess your capacity to fulfill your commitment. For example, the amount you qualify to pledge will depend on the documented proof you provide to demonstrate your current assets, such as proof of home ownership, or annual income. If you do not have any income or assets, you may not qualify to post a performance bond.

### **When will my responsibilities as a bondsperson end?**

Every case is different; there is no set period of time. As a bondsperson, you are responsible for supervision of the person until his or her immigration matters have concluded. A person's immigration matters could take only a few weeks, but could take years to conclude. At the end, you will only get your money back if the person you were supervising has complied with all of the conditions of his or her release. If the person breaches any condition of the release order, you are at risk of losing the money you have deposited and/or pledged.

### **What if I want to change a condition or remove myself as a bondsperson?**

It is expected that you will remain as the bondsperson until the person's immigration matters have concluded. In exceptional cases, such as the proposal of a new bondsperson, you may be removed as the bondsperson by the Member. In these exceptional cases, where you no longer wish to act as a bondsperson, you should apply in writing to the Immigration Division Registry and send copies of your application to the CBSA and the person concerned. There is no guarantee that your request will be accommodated. Sometimes a new hearing may be required, or the request could simply be granted or denied, without a hearing taking place.

### **Additional resources for bondspersons**

For more information on detention reviews, please see the Detention Review Hearings pamphlet available on the IRB's web site at <http://www.irb-cisr.gc.ca/Eng/detention/Pages/detention.aspx>.