

May 31, 2023

SENT VIA EMAIL

Todd J. Thurlow, Acting Deputy Assistant Director
Valentina C. Seeley, Acting Deputy Assistant Director
Francey Lim Youngberg, Assistant Director
DHS/ICE Office of Partnership and Engagement

**Re: The Inaccessibility of CeBONDS and the Importance of Preserving
the Option to Pay Immigration Bonds in Person**

U.S. Immigration and Customs Enforcement (ICE) [announced](#) that, effective June 1, 2023, it will no longer permit in-person payments of immigration bonds and instead will require bond payments through a web-based system called [Cash Electronic Bonds Online \(CeBONDS\)](#). The undersigned organizations are deeply concerned about the inaccessibility of CeBONDS to people with disabilities, people with limited English proficiency, people with limited to no access to the web or to computer technology, and people with limited to no access to bank accounts or banking services. We also share strong concerns about the data privacy and security of CeBONDS. Accordingly, we urge you to preserve the option to pay immigration bonds in person and to take immediate steps to make CeBONDS maximally accessible, functional, private, and secure.

The High Stakes of Immigration-Bond Payments

ICE [currently](#) confines over 21,000 people in a sprawling detention system made up of for-profit, county, and federal facilities that are rife with unsafe conditions, including: [lack of access to basic necessities](#); [failures to identify and accommodate disabilities](#); [negligent medical and mental health care](#); [medical abuse](#); [sexual and physical assault](#); [solitary confinement](#); and [retaliation](#) against people who report abuses. It is a system that can be [deadly](#) and that [tears apart](#) families and communities throughout the country. Consequently, for everyone ICE confines, access to liberty presents incredibly high stakes.

Both ICE and immigration judges condition the liberty of many people in ICE custody on the payment of monetary bonds. In fiscal year 2022, for example, immigration judges set immigration bonds in [over 10,300 cases](#). For the many thousands of people subject to immigration bonds, either through immigration judges or ICE, access to liberty necessarily turns on the accessibility and functionality of ICE's bond-posting procedures.

It bears emphasis that the people who post immigration bonds to secure the release of friends and loved ones from ICE custody reflect the diversity of people across the United States, including with respect to disabilities, English-language proficiency, access to the internet and computer technology, and access to bank accounts and banking services.

The Inaccessibility of CeBONDS to People with Disabilities

Conservative estimates specify that up to [1 in 4 people](#) in the United States has a disability. Of them, approximately [12.1% have disabilities impacting mobility, 12.8% have disabilities impacting cognition, and 4.8% have disabilities impacting vision](#). Additionally, [over 22% of all adults in the United States struggle with their mental health, and over 5% of all adults in the United States have serious mental illness](#). Disabilities impacting mobility, cognition, mental health, or vision can, in turn, impact the [accessibility of the web and web-based platforms](#) like CeBONDS.

Staff of Community Justice Exchange, one of the undersigned organizations, tested CeBONDS earlier this month to determine its accessibility to blind and low-vision people who rely on screen-reading technology to access websites. Their test demonstrated that it was impossible to use a screen-reader even to create the username required by CeBONDS to begin the bond-posting process. Consequently, CeBONDS proved completely inaccessible to blind and low-vision people. People with other disabilities—including any that impact cognition, attention, manual dexterity, speech, or speech recognition—may be similarly unable to access CeBONDS to post a bond for a friend or loved one.

Consistent with the requirements of the Rehabilitation Act of 1973, ICE should act promptly to improve the accessibility of CeBONDS to people with disabilities and should maintain the option of posting immigration bonds in person, in order to accommodate people with disabilities for whom CeBONDS is not accessible.¹

The Inaccessibility of CeBONDS to People with Limited English Proficiency

[There are approximately 25.9 million people in the United States who have limited English proficiency](#) and cannot meaningfully engage English-language websites like CeBONDS, unless those sites have appropriate language-access features.

CeBONDS appears to lack language-access features that would render the site accessible to people with limited English proficiency. Although a [Spanish version](#) of CeBONDS exists, neither it nor the [English version](#) seems to include any cues or guidance for people with limited English proficiency who speak languages other than Spanish. Consistent with the requirements of Title VI of the Civil Rights Act of 1964, ICE should act immediately to improve the accessibility of CeBONDS for all people with limited English proficiency.²

¹ See 29 U.S.C. §§ 794, 794(d); see also, e.g., U.S. Dep't of Homeland Security, Directive No. 065-01, Rev. No. 00, [Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities \(Non-Employment\)](#) (Sep. 25, 2013); U.S. Dep't of Homeland Security, Directive No. 139-05, Rev. No. 01, [Accessibility Systems and Technology Program](#) (Nov. 12, 2018); U.S. Immigration and Customs Enforcement, [ICE Disability Access Plan](#) (Aug. 19, 2020).

² See 42 U.S.C. § 2000d; see also, e.g., Exec. Order No.13166, [Improving Access to Services for Persons with Limited English Proficiency](#), 65 Fed. Reg. 50,121 (Aug. 11, 2000); U.S. Dep't of Homeland Security, [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#), 76 Fed. Reg. 21,755 (Apr. 18, 2011); Limited English Proficiency Committee, Title VI Interagency Working Group, [Improving Access to Public Websites and Digital Services for Limited English Proficient \(LEP\) Persons](#) (Dec. 2021).

The Inaccessibility of CeBONDS to People with Little to No Access to Banking Services or to Broadband or Computing Devices

[Over 63 million adults in the United States have limited to no access to bank accounts and banking services](#) and therefore cannot use web applications like CeBONDS that require such access.

Likewise, [lack of access to broadband is an overarching barrier to the internet for over 42 million people across the United States](#), and [access to computers \(desktops, laptops, tablets, or smartphones\) also varies widely according to income levels](#). All of these access issues [disproportionately impact Black and Latinx people](#).

To ensure the ability of *everyone*, irrespective of race or income level, to post immigration bonds for friends and loved ones, it is essential that ICE preserve the option of posting immigration bonds in person.

Other Concerns About the Accessibility and Functionality of CeBONDS

User experiences with CeBONDS so far have demonstrated a number of other concerns with its accessibility and functionality.

First, users have reported that CeBONDS is not optimized for smartphone use. ICE should rectify this immediately so that the site is accessible to the many smartphone users who otherwise [lack access to desktop, laptop, or tablet computing devices](#) and are disproportionately [Black and Latinx](#).

Second, concerns have arisen even for people who do have access to bank accounts and banking services. For example, a user with access to a bank account reported being informed by their banking institution that the Automatic Clearing House (ACH) number provided by CeBONDS is invalid, which, in turn, required the user to resort to use of FedWire, at an out-of-pocket cost of \$15. It is essential that CeBONDS provide users with an accurate ACH. Likewise, enabling CeBONDS to effectuate a wire transfer, rather than requiring users to take printed instructions in person to their bank, could improve the functionality and accessibility of the site for at least some people.

Third, the putatively “automated” nature of CeBONDS presents concerns. Although ICE has claimed to stakeholders that the CeBONDS system is entirely automated, user experiences so far have demonstrated that it is not. Indeed, due to CeBONDS’ reliance on human approvals at every stage of the bond-posting process, users must contend with communication disruptions, resulting in lengthy wait times, or worse, the denial or failure of their bond-posting requests. Communication challenges have included, but not been limited to: the inconsistency of the information that ICE agents across offices have sought from users; the lack of information from ICE agents about the next steps that need to be taken when ICE has deemed someone “not releasable” despite the existence of a bond order; the slow response times from the general HelpDesk email for CeBONDS; and the slow response times from local ICE offices processing bonds through CeBONDS, driven, in part, by the constraint that their business hours place on

CeBONDS' functionality. ICE must promptly address these issues concerning the “automated” nature of CeBONDS, including by preserving the option for people to pay bonds in person.

Fourth, the extent to which CeBONDS maintains data privacy and security is unclear. ICE has asked users of the system to send its agents sensitive information over email. Given documented [data breaches and misuse of databases and agency computers within ICE](#), it is essential that ICE clarify promptly and publicly whether and how CeBONDS can and does maintain data privacy and security.

ICE Must Ensure the Accessibility, Functionality, and Data Privacy and Security of Its Bond-Posting Procedures

Prior to the introduction of CeBONDS, ICE should have taken the necessary precautions to guarantee that the online payment system was evaluated for accessibility and functionality. Instead, at a stakeholder meeting held on April 17, 2023, ICE imposed that burden on community-based and advocacy organizations, opining that they could fill the breaches of the system and help the system to be more accessible and functional. That response is completely unacceptable. ICE has [legal and policy obligations](#) to ensure the accessibility and functionality of the technology it uses. It is not the responsibility of non-governmental organizations and networks with limited resources to solve the inaccessibility and dysfunction of CeBONDS.

Given the pervasive and myriad harms of immigration detention, the inability to pay a bond in person to secure someone's release can have severe consequences, especially if online bond payment is inaccessible or presents delays or risks. Those severe consequences include harms to the health and safety of the person seeking release and to the community members who are dependent on them. We therefore call on ICE to preserve the option of in-person bond payments and engage in a thorough and swift assessment and remediation of any and all issues impacting the accessibility, functionality, and data privacy and security of CeBONDS, including by publishing the Privacy Impact Assessment that ICE conducted ahead of launching CeBONDS.

Sincerely,

ABISA (African Bureau for Immigration and Social Affairs)

ACLU Immigrants' Rights Project

Aldea - The People's Justice Center

American Immigration Council

Asylum Program of Arizona

Border Angels

CA Collaborative for Immigrant Justice

Central Ohio Freedom Fund
Chicago Community Bond Fund
Civil Rights Education and Enforcement Center
Community Justice Exchange / National Bail Fund Network
Community Legal Services in East Palo Alto (CLSEPA)
Cville Immigrant Freedom Fund
Disability Rights Advocates
Dolores Street Community Services
Families for Freedom, Inc.
Florence Immigrant & Refugee Rights Project
Freedom for Immigrants (FFI)
Garífuna Community Services, Inc.
GLAHR (Georgia Latino Alliance for Human Rights)
Grassroots Leadership
Hoppock Law Firm, LLC
Houston Immigration Legal Services Collaborative
Immigrant Action Alliance
Immigrant Defenders Law Center
Immigrant Freedom Fund
Immigration Equality
Indivisible California
Kentucky Coalition for Immigrant and Refugee Rights
La Resistencia

Law Office of Nita Kundanmal

Little Rock Freedom Fund

Mariposa Legal

Midwest Immigration Bond Fund

Minnesota Freedom Fund

National Immigrant Justice Center

National Immigration Project (NIPNLG)

New York Lawyers for the Public Interest (NYLPI)

NorCal Resist

ÓRALE

Pangea Legal Services

Prairielands Freedom Fund

RAICES

RCHP-AHC Still Waters Anti-trafficking Program

Reale Justice Network

Robert F. Kennedy Human Rights

Tahirih Justice Center

Texas Organizing Project

The Bronx Defenders

The Coelho Center for Disability Law, Policy and Innovation

The Mami Chelo Foundation

Tucson Bail Fund

UC Davis Immigration Law Clinic

Washington Defender Association

Young Center for Immigrant Children's Rights

Cc (via email):

Nicshan Floyd
Section 508 Program Manager (Agency wide)
U.S. Department of Homeland Security

Arva Parker
Section 508 Program Manager
U.S. Immigration and Customs Enforcement

Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security