

BOARD OF IMMIGRATION APPEALS

Matter of Manuel Dejesus Martinez-Rodriguez

29 I&N Dec. 656 (BIA 2026) · Decided April 29, 2026

SUMMARY

The Board of Immigration Appeals sustained the Department of Homeland Security’s appeal and vacated an Immigration Judge’s order releasing Manuel Dejesus Martinez-Rodriguez on a \$15,000 bond. The Board held that his false-imprisonment conviction and related arrest history established that he posed a danger to the community, making him ineligible for release on bond.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	Gallow, Appellate Immigration Judge; Radics, Deputy Chief Appellate Immigration Judge; Owen, Appellate Immigration Judge
JURISDICTION	Board of Immigration Appeals
DECIDED	April 29, 2026
DISPOSITION	vacated
PROCEDURAL POSTURE	The Department of Homeland Security appealed an Immigration Judge's order releasing the respondent from detention upon payment of a \$15,000 bond.
STANDARD OF REVIEW	The Board reviews de novo the judgment whether an alien poses a danger to the community, while reviewing the factual findings underlying that judgment for clear error.
PRECEDENTIAL VALUE	precedential
PARTIES	Department of Homeland Security v. Manuel Dejesus Martinez-Rodriguez, Respondent

TOPICS

- immigration detention
- agency adjudication
- administrative law
- immigration

PRACTICE AREAS

- immigration detention
- immigration
- administrative law

QUESTIONS PRESENTED

1. Whether the respondent met his burden of demonstrating that he did not pose a danger to the community and therefore was eligible for release on bond.
2. Whether the Board needed to reach DHS's separate argument that the respondent posed a flight risk.

HOLDINGS

1. The respondent failed to establish by clear and convincing evidence that he was not a danger to the community and was therefore ineligible for bond.
2. The Board did not need to reach DHS's flight-risk argument because a finding of future dangerousness is legally dispositive of eligibility for release on bond.

KEY QUOTATIONS

“Whether an alien poses a danger to the community is a question of judgment that we review de novo, but the factual findings underlying such a judgment are reviewed for clear error.” (29 I&N Dec. at 656)

“The finding of future dangerousness in bond proceedings is legally dispositive of the respondent’s eligibility for release.” (29 I&N Dec. at 657)

“Thus, we conclude that the respondent has not met his burden to show that he would not pose a danger to the community and is therefore ineligible for bond.” (29 I&N Dec. at 657)

FACTUAL BACKGROUND

The respondent was arrested in Knox County, Tennessee, on April 25, 2019, on charges of vandalism, domestic violence, and aggravated burglary. He later pleaded guilty to false imprisonment and was sentenced to 348 days in state custody. The Board concluded that the nature and seriousness of this criminal history, including the arrest-related conduct, prevented the respondent from demonstrating by clear and convincing evidence that he was not a danger to the community.

PROCEDURAL HISTORY

The Immigration Judge ordered the respondent released on bond on February 17, 2026, and issued a memorandum explaining the decision on March 11, 2026. The Board sustained DHS's appeal, vacated the bond decision, and ordered the respondent detained without bond.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Immigration Judge's bond decision was vacated, and the respondent was ordered detained without bond.

CASES CITED

- Matter of Choc-Tut, 29 I&N Dec. 48, 49 (BIA 2025)
- Matter of Siniauskas, 27 I&N Dec. 207, 207-09 (BIA 2018)
- Matter of Guerra, 24 I&N Dec. 37, 39-40 (BIA 2006)
- Matter of Beltrand-Rodriguez, 29 I&N Dec. 76, 77 (BIA 2025)
- Matter of Thomas, 21 I&N Dec. 23 (BIA 1995)
- Matter of V-A-K-, 28 I&N Dec. 630, 636 (BIA 2022)
- Matter of Urena, 25 I&N Dec. 140, 141 (BIA 2009)
- Matter of Drysdale, 20 I&N Dec. 815, 817 (BIA 1994)

OPINION

Martinez-Rodriguez 29 I. & N. Dec. 656

PER CURIAM.

Cite as 29 I&N Dec. 656 (BIA 2026) Interim Decision #4198 Matter of Manuel Dejesus MARTINEZ-RODRIGUEZ, Respondent Decided by Board April 29, 2026 1 U.S. Department of Justice Executive Office for Immigration Review Board of Immigration Appeals The respondent's conviction for false imprisonment and his arrest on other charges demonstrate that he is a danger to the community and does not warrant release on bond. FOR THE RESPONDENT: Philip J. Hunter, Esquire, Baton Rouge, LA FOR THE DEPARTMENT OF HOMELAND SECURITY: Luke Oberhansley, Counsel BEFORE: Board Panel: RADICS, Deputy Chief Appellate Immigration Judge; OWEN and GALLOW, Appellate Immigration Judges. GALLOW, Appellate Immigration Judge: The Department of Homeland Security ("DHS") appeals the order of the Immigration Judge, dated February 17, 2026, ordering the respondent's release from detention upon the posting of a bond in the amount of \$15,000. The Immigration Judge, on March 11, 2026, issued a memorandum setting forth the reasons for the decision. We will sustain the appeal and vacate the Immigration Judge's bond decision. It is the respondent's burden to demonstrate that he does not pose any danger to the community. See Matter of Choc-Tut, 29 I&N Dec. 48, 49 (BIA 2025); Matter of Siniauskas, 27 I&N Dec. 207, 207-09 (BIA 2018); Matter of Guerra, 24 I&N Dec. 37, 40 (BIA 2006) (holding that "the alien's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses" is relevant to a determination of whether the alien merits release on bond). Whether an alien poses a danger to the community is a question of judgment that we review de novo, but the factual findings underlying such a judgment are reviewed for clear error. 1 Pursuant to Order No. 6873-2026, dated May 26, 2026, the Acting Attorney General designated the Board's decision in Matter of Martinez-Rodriguez (BIA Apr. 29, 2026), as precedent in all proceedings involving the same issue or issues. See 8 C.F.R. § 1003.1(g)(3)

(2026). Editorial changes have been made consistent with the designation of the case as a precedent. page 656 Cite as 29 I&N Dec. 656 (BIA 2026) Interim Decision #4198 8 C.F.R. § 1003.1(d)(3)(i)-(ii) (2026); Matter of Beltrand-Rodriguez, 29 I&N Dec. 76, 77 (BIA 2025). Upon

our de novo review, we conclude that the Immigration Judge erred in determining that the respondent met his burden to show he is not a danger to the community. The respondent was arrested in Knox County, Tennessee, on April 25, 2019, for vandalism, domestic violence, and aggravated burglary charges. He pled guilty to a single offense of false imprisonment on August 11, 2021, and was sentenced to 348 days in state custody. While we acknowledge the Immigration Judge's findings, we conclude that, considering the nature and seriousness of the respondent's criminal history, the respondent did not meet his burden of establishing by clear and convincing evidence that he is not a danger to the community. See *Matter of Guerra*, 24 I&N Dec. at 39–40 (holding that Immigration Judges have broad discretion in deciding the factors to consider in custody redeterminations and are not limited to considering only criminal convictions in assessing whether an alien is a danger to the community); *Matter of Thomas*, 21 I&N Dec. 23 (BIA 1995) (observing that evidence of unfavorable conduct, including criminal conduct which has not culminated in a final conviction, may be considered in discretionary determinations); see also *Matter of V-A-K-*, 28 I&N Dec. 630, 636 (BIA 2022) (noting that generic burglary is an inherently dangerous crime because it “creates the possibility of a violent confrontation between the offender and an occupant, caretaker, or some other person who comes to investigate”) (citation omitted). Thus, we conclude that the respondent has not met his burden to show that he would not pose a danger to the community and is therefore ineligible for bond. The finding of future dangerousness in bond proceedings is legally dispositive of the respondent's eligibility for release. *Matter of Urena*, 25 I&N Dec. 140, 141 (BIA 2009); *Matter of Drysdale*, 20 I&N Dec. 815, 817 (BIA 1994) (“[I]f the alien cannot demonstrate that he is not a danger to the community upon consideration of the relevant factors, he should be detained in the custody of the Service.”). Hence, we need not reach DHS' argument that the respondent should be denied bond as a flight risk. *Matter of Urena*, 25 I&N Dec. at 141 (“Only if an alien demonstrates that he does not pose a danger to the community should an Immigration Judge continue to a determination regarding the extent of flight risk posed by the alien.”). ORDER: DHS' appeal is sustained. FURTHER ORDER: The Immigration Judge's decision is vacated, and the respondent is ordered detained without bond.

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