

Matter of Urmat KAMALOV, Respondent

*Decided by Board July 17, 2026*¹

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

The Immigration Judge erred in determining that the respondent met his burden of proving he is not a danger to the community where the respondent engaged in street racing and was arrested for driving on a suspended license, resisting arrest, and possession of contraband while in police detention.

FOR THE RESPONDENT: Pro se

FOR THE DEPARTMENT OF HOMELAND SECURITY: Robert D. Blaney, Counsel

BEFORE: Board Panel: RADICS, Deputy Chief Appellate Immigration Judge; MAHTABFAR and HANSELL, Appellate Immigration Judges.

RADICS, Deputy Chief Appellate Immigration Judge:

The Department of Homeland Security (“DHS”) appeals from the Immigration Judge’s March 9, 2026, decision granting the respondent’s request for a change in custody status.² The Immigration Judge issued a bond memorandum on March 23, 2026, setting forth the reasons for the bond decision. The respondent, a native and citizen of Kyrgyzstan, has not responded to the appeal. We will sustain DHS’ appeal, vacate the Immigration Judge’s bond decision, and order the respondent detained without bond.

The respondent’s bond proceedings were conducted under section 236(a) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1226(a) (2024).³

¹ Pursuant to Order No. 7176-2026, dated September 2, 2026, the Attorney General designated the Board’s decision in *Matter of Kamalov* (BIA July 17, 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.

² DHS’ motion to accept its late-filed brief is granted. 8 C.F.R. § 1003.3(c)(1) (2026).

³ The Board’s decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), is not at issue in this case because the respondent was admitted to the United States in 2024 on an F1 student visa.

The Immigration Judge ordered the respondent's release from custody on a \$15,000 bond after deciding he was not a danger to persons or property such that he should be detained pending the outcome of the removal proceedings and that his risk of flight could be mitigated by a high bond. DHS challenges both determinations on appeal.

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. 8 C.F.R. § 1003.1(d)(3)(i)–(ii) (2026); accord *Matter of Beltrand-Rodriguez*, 29 I&N Dec. 76, 77 (BIA 2025). Whether the respondent presents a flight risk is a question of judgment reviewed de novo. *Matter of Z-N-L-*, 29 I&N Dec. 511, 511 (BIA 2026).

Upon de novo review, we conclude that the Immigration Judge erred in determining that the respondent met his burden of proving that he was not a danger to the community. See *Matter of Choc-Tut*, 29 I&N Dec. 48, 49 (BIA 2025) (explaining that the alien bears the burden of proving he is not a danger to persons or property). The undisputed record reflects that the respondent was pulled over by police on February 13, 2026, in his car for a traffic violation. A search of his records revealed that he was driving on a suspended license after having had his license suspended in 2025 for street racing. While being arrested and put in handcuffs, he attempted to elude the police officers' grasps and bent one of the officer's fingers in doing so in a manner that did not result in injury. The respondent was then taken to the county jail for booking. While there, he took his cell phone from the officer's side of the detention area after having been told he was not allowed to keep it while in jail. This conduct led to an additional arrest for possession of contraband.

Thus, in the relatively short period of time he has resided in the United States, the respondent has engaged in street racing and been charged with resisting arrest, both of which are inherently dangerous activities and evince a disregard for the safety of others and the laws of the United States. See *Matter of Guerra*, 24 I&N Dec. 37, 39–41 (BIA 2006) (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). That the respondent did not injure the officer or officers he is claimed to have resisted does not change the seriousness of the charge itself. The respondent's driving on a suspended license and possession of a cell phone which constituted contraband while in police detention, although perhaps less serious, are further indications of his disregard for the laws of the United States. The State court's decision to release the respondent from custody on

his own recognizance after his recent arrests, while relevant, is insufficient to alleviate our concerns about the respondent's dangerousness given his actual conduct. *See generally Matter of Choc-Tut*, 29 I&N Dec. at 50 ("While an Immigration Judge may consider a State court's decision as to dangerousness and the amount of bail that was set in criminal proceedings, an Immigration Judge does not owe a State court custody order deference in immigration bond proceedings.").

Further, the Immigration Judge's finding that the respondent will not be a danger because he has "a lot to lose" if arrested again is speculative in nature and is contradicted by the respondent's own actions, which carried potential criminal and immigration consequences prior to their commission. The respondent also has not shown that his favorable equities mitigate his dangerousness. *See Matter of Siniauskas*, 27 I&N Dec. 207, 210 (BIA 2018).

We therefore conclude that the respondent has not met his burden to show that he would not pose a danger to the community and is thus ineligible for bond. As the finding of future dangerousness in bond proceedings is legally dispositive of the respondent's eligibility for release, we need not reach the Immigration Judge's decision regarding flight risk or DHS' related appellate arguments. *Matter of Martinez-Rodriguez*, 29 I&N Dec. 656, 657 (BIA 2026).

ORDER: DHS' appeal is sustained.

FURTHER ORDER: The Immigration Judge's bond decision dated March 9, 2026, is vacated.

FURTHER ORDER: The respondent is ordered detained without bond.