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FILE:



Office: LOS ANGELES

Date: **DEC 15 2005**

IN RE:

Obligor:
Bonded Alien



IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on August 6, 1999, the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated August 3, 1999, was issued granting the alien voluntary departure in lieu of removal on or before October 4, 1999. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On April 11, 2002, the BIA affirmed the IJ's decision, and granted the alien voluntary departure within 30 days from the date of the order. The alien filed a petition for review before the Ninth Circuit Court of Appeals, which was affirmed on September 19, 2003. On June 13, 2005, the field office director concluded the bond had been breached.

On appeal, the alien asserts that he has a pending petition for review before the Ninth Circuit Court of Appeals and a motion to reopen pending before the BIA.

The BIA inquiry system does not contain any information regarding the alien's purported filing of a motion to reopen. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). As previously noted, the Ninth Circuit Court of Appeals issued its decision on September 19, 2003.

On appeal, the alien submits a Notice of Action, Form I-797C, regarding an immigrant petition for relative filed on his behalf. Bond proceedings are separate and distinct from any other proceeding and, therefore, said petition has no bearing in this matter.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the field office director.

No satisfactory evidence has been introduced into the record to establish the alien made a timely departure. The service of a notice to surrender or the presence of a certified mail receipt is not required in voluntary departure bond proceedings.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for Immigration and Customs Enforcement to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the field office director will not be disturbed.

ORDER: The appeal is dismissed.