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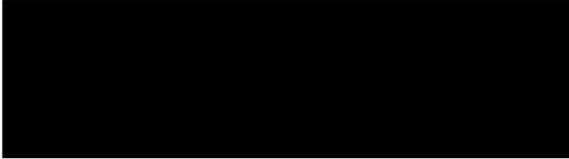
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



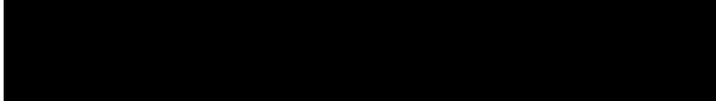
U.S. Citizenship  
and Immigration  
Services

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FILE:  Office: LOS ANGELES Date: **JUL 19 2007**

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:



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, Chief  
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 sustained.

The record indicates that on August 24, 2004, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On August 19, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before October 19, 2004. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On November 30, 2005, the BIA affirmed the IJ's decision, and granted the alien voluntary departure within 60 days from the date of the order. On May 23, 2006, the field office director concluded the bond had been breached on December 30, 2005.

On appeal, counsel states that the bond has not been breached, as the alien is a Temporary Protected Status (TPS) registrant.

Counsel, however, has not submitted evidence that the bonded alien has been granted TPS. The assertion of counsel does not constitute evidence. *Matter of Laureano*, 19 I&N Dec. 1, 3 (BIA 1983); *Matter of Obaighbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

Nevertheless, in the instant case, the alien was entitled to 60 days from the BIA order (until January 29, 2006) to leave the United States. As such, the director's decision dated May 23, 2006, declaring the bond breached on December 30, 2005 is not valid. Accordingly, the director's decision to breach the bond will be rescinded and the appeal will be sustained.

**ORDER:** The appeal is sustained. The field office director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.