

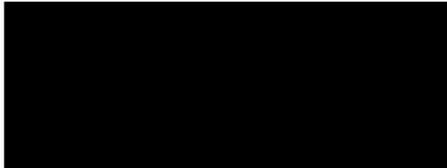
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U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: LOS ANGELES

Date:

OCT 10 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: 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 (AAO) on appeal. The appeal will be dismissed.

The record indicates that on March 21, 2003, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. On March 17, 2003, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before May 16, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On May 12, 2004, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On May 1, 2007, the field office director concluded the bond had been breached on June 11, 2004.

On appeal, the obligor asserted the alien's case is still pending before the courts and, therefore, the bond should not be breached. The obligor indicated that a brief would be submitted to the AAO within 30 days. Four months later, however, no additional correspondence has been presented by the obligor.

The obligor, however, does not provide evidence of a timely motion filed before the BIA or a timely appeal filed before the United States Court of Appeals for the Ninth Circuit. Simply 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)).

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 (ICE) 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.