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U.S. Citizenship
and Immigration
Services

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FILE:

Office: COW Date:

OCT 24 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 Director, Headquarters, Bonds, Immigration and Customs Enforcement (ICE), and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on February 20, 2004, the obligor posted a \$500.00 bond conditioned for the voluntary departure of above referenced alien. On February 17, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before April 19, 2004. On February 23, 2004, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 31, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On May 2, 2005, the alien filed a motion to reopen before the BIA. On August 2, 2005, the BIA denied the motion to reopen. On May 2, 2005, the alien also filed a petition for review before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On July 31, 2006, the Ninth Circuit dismissed in part and denied in part the petition for review and issued its mandate on September 22, 2006. On May 22, 2007 the director concluded the bond had been breached.

On appeal, the obligor asserts that the alien's case is still pending before the BIA.

As previously noted the BIA denied the alien's appeal on March 31, 2005 and the motion to reopen on August 2, 2005. The BIA inquiry system does not contain any information that an additional motion to reopen or appeal has been filed, and the obligor provided no evidence to support his assertion. 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)).

On appeal, the obligor asserts that a brief and/or evidence would be submitted within 30 days. However, more four months later, no additional correspondence has been presented by the obligor.

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 director will not be disturbed.

ORDER: The appeal is dismissed.