

identifying data related to
prevent clearly unwarranted
invasion of personal privacy

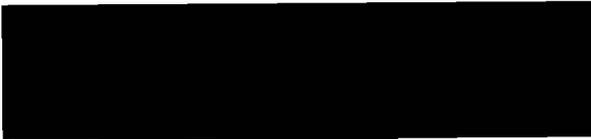
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

G13



FILE:



Office: COW Date:

AUG 20 2008

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

The record indicates that on July 21, 2005, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before August 21, 2005. On July 26, 2005, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On October 31, 2007, the field office director concluded that the bond had been breached on August 21, 2005.

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 regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

On appeal, counsel asserted that the IJ's order pertaining to the bonded alien's family was vacated by the Board of Immigration Appeals and that the case was remanded to the IJ for a new hearing. Counsel asserted that the alien was inadvertently omitted from the appeal and a motion to reopen is being filed with the IJ. Counsel, however, submits no evidence to support his assertions. The assertion of counsel does not constitute evidence. *Matter of Laureano*, 19 I&N Dec. 1, 3 (BIA 1983); *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

Counsel indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. Eight months later, however, no additional correspondence has been presented by counsel or the bonded alien.

Counsel fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. As counsel has provided no additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is dismissed.