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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: COW Date:

JAN 02 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: 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, 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 June 4, 2004, the obligor posted a \$500.00 bond conditioned for her voluntary departure. On June 3, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before August 2, 2004. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On July 5, 2005, the BIA affirmed, without opinion, the IJ's decision and granted the alien voluntary departure within 60 days from the date of the order. On August 1, 2005, the alien filed a petition for review before the U.S. Court of Appeals for the Ninth Circuit. On August 18, 2006, the Ninth Circuit dismissed the petition for review for failure to prosecute and indicated that its order shall act as and for the mandate of this court. On June 1, 2007, the director concluded the bond had been breached.

On appeal, the obligor asserts that she has requested the Ninth Circuit to reinstate her petition for review, and is in the process of filing a motion to reopen before the BIA. The obligor states, "once I get any additional information and/or evidence, I will immediately notify [the AAO]." However, more than six months later, no additional correspondence has been presented by the obligor.

The BIA inquiry system does not contain any information regarding the alien's purported filing of a motion to reopen. Likewise, no evidence has been submitted indicating that a request to reinstate the alien's petition for review before the Ninth Circuit has been filed or granted. 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 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 director will not be disturbed.

**ORDER:** The appeal is dismissed.