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U.S. Citizenship
and Immigration
Services

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FILE:



Office: COW Date:

JUL 08 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 March 10, 2006, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal within 30 days from the date the IJ's decision was mailed. On March 15, 2006, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On April 21, 2008, the director concluded that the bond had been breached.

On appeal, the alien asserts that on March 20, 2006, he filed an appeal before Board of Immigration Appeals (BIA) and is still awaiting a decision. As evidence, the alien submits a copy of the following: 1) PS Form 3800, certified mail receipt, postmarked March 22, 2006, and addressed to the BIA; 2) postal money order dated March 20, 2006 made out to the BIA; 3) Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge, dated March 22, 2006; and 4) Form EOIR-27, Notice of Entry of Appearance as Attorney or Representative, dated March 20, 2006.

The BIA inquiry system and BIA Decisions on the Intranet do not contain any information regarding the alien's purported filing of an appeal. The alien has not provided any evidence from the BIA that the appeal was received or that it is pending. In addition, the alien had not provided any evidence that the money order had been cashed. 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 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.