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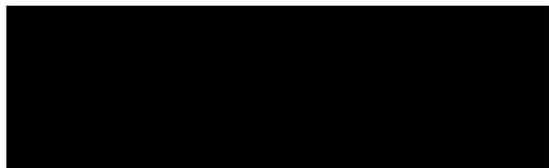
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

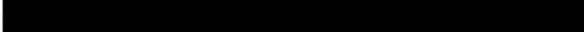
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FILE: 

Office: COW Date: **JUL 17 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 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 January 23, 2006, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before March 24, 2006. On January 25, 2006, the obligor posted a \$500.00 bond conditioned for his voluntary departure. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On May 31, 2007, the BIA summarily dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On February 4, 2008, the director concluded that the bond had been breached on July 31, 2007.

On appeal, counsel states that the bonded alien is unable to voluntarily depart because he is the sole financial support for his wife and two U.S. citizen children "who are special need school children." Counsel provides several documents to support his statement.¹ Counsel asserts that his office "is working to file a motion to reopen removal proceedings."

The BIA inquiry system and BIA Decisions on the Intranet do not contain any information regarding the purported filing of a motion to reopen. Counsel has not provided any evidence from the BIA that a motion to reopen was filed or that it is pending. The assertions of counsel do 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).

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.

¹ It is noted that the IJ's decision of January 23, 2006, indicates that the bonded alien stated that neither of his children possessed any emotional or learning disabilities.