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FILE: [REDACTED] Office: LOS ANGELES Date: OCT 30 2008

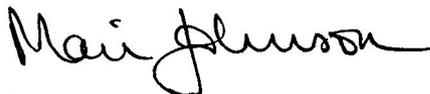
IN RE: Obligor: [REDACTED]
Bonded Alien [REDACTED]

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 Field Office Director, Detention and Removal, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on October 25, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before January 21, 2005. On October 27, 2004, the obligor posted a \$500.00 bond conditioned for her voluntary departure. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On January 31, 2006, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On February 23, 2006, the alien filed a petition for review and a motion for stay of removal before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On August 9, 2006, the Ninth Circuit dismissed the petition for review for lack of jurisdiction and issued its mandate on October 5, 2006. On October 4, 2007, the field office director concluded that the bond had been breached.

On appeal, the obligor asserts that she had renewed her Temporary Resident Status (TPS) and had applied for cancellation of removal. The obligor asserts that she is entitled to remain in the United States pending a merit hearing of her asylum application.

The obligor, however, has not submitted evidence that she has been granted TPS. 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 there is an error requiring her to depart as the decision of the BIA was dismissed by the Ninth Circuit. While the wording in the mandate is a little confusing, the order of the court dismissed the petition for review for lack of jurisdiction on August 9, 2006.

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 field office director will not be disturbed.

ORDER: The appeal is dismissed.