

## Adjudicator's Field Manual

NOTE: The [USCIS Policy Manual](#) is our centralized online repository for immigration policies. We are working quickly to update and move material from the Adjudicator's Field Manual to the Policy Manual. Please check that resource, along with our [Policy Memoranda](#) page, to verify information you find in the Adjudicator's Field Manual. If you have questions or concerns about any discrepancies among these resources, please contact [USCISPolicyManual@uscis.dhs.gov](mailto:USCISPolicyManual@uscis.dhs.gov).

### Chapter 61 Bonds.

- 61.1 Posting, Cancellation and Breaching of Public Charge Bonds
- 61.2 Posting, Cancellation and Breaching of Maintenance of Status Bonds.

## **61.1 Posting, Cancellation and Breaching of Public Charge Bonds.**

### (a) Authority.

Section 213 of the Act provides for the posting of a public charge bond under certain circumstances. An alien inadmissible under paragraph (4) of section 212(a) may, if otherwise admissible, be admitted to the United States in an exercise of discretion (subject to the affidavit of support requirement and attribution of sponsor's income and resources under section 213A) upon the posting of a suitable and proper bond or undertaking, in such amount and containing such conditions as may be prescribed. The bond is intended as a guarantee holding the United States and its political subdivisions harmless against the alien becoming a public charge. The bond or undertaking terminates upon the permanent departure from the United States, the naturalization, or the death of the alien. Upon termination for these reasons, any sums or other security held to secure its performance, except to the extent it is forfeited for violation of its terms, must be returned to the person who posted the bond, or to his legal representatives. [ See also 8 CFR 213 .]

### (b) Policy.

Although USCIS has the authority to require a public charge bond, such authority is rarely exercised in light of the statutory changes contained in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) which created the enforceable affidavit of support (see Chapter 20.5 of this field manual).

### (c) Procedures.

See 8 CFR 103.6(c)(1) and Chapter 12 of the *Deportation Officer's Field Manual* for procedural information on the posting, breaching and cancellation of bonds.

## 61.2 Posting, Cancellation and Breaching of Maintenance of Status Bonds.

### (a) Authority .

Section 214(a)(1) of the Act states that for the admission to the United States of any alien as a nonimmigrant shall be for such time and under such conditions as may be prescribed including, when necessary, the posting of a bond to insure that such alien will depart from the United States in a timely manner without otherwise violating his or her status. This section authorizes CBP and USCIS to require a maintenance of status and departure bond with regard to either an application for admission to the United States or an application for change of nonimmigrant status. While the statute is silent about the posting of a bond in connection with an application for extension of stay, regulations at **8 CFR 214.1(a)(3)** authorize the posting of a bond for this purpose, in addition to applications for admission and applications for change of status. [See also **8 CFR 221** .]

### (b) Policy .

It is important to remember that the posting of a bond cannot serve to make an alien who is inadmissible to the United States admissible; nor can it make an alien who is ineligible for a change of status eligible. A bond only serves to enhance an alien's ability to meet his or her burden of proof regarding his or her intention to maintain nonimmigrant status and depart as required by the terms of his or her admission (or change of status). On the other hand, you should be cautious of anyone who is "too eager" to post a bond, since an alien who intends to violate his or her status (e.g., by working in the U.S., or by committing an act of terrorism) may consider the posting of (and loss of) the bond to be nothing more than "the cost of doing business."

(c) Procedures . See **8 CFR 103.6(c)(2)** , Chapter 45 of the *Inspector's Field Manual* , and Chapter 12 of the *Deportation Officer's Field Manual* for procedural information on the posting, breaching and cancellation of bonds.