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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [redacted] Office: COW Date: JUN 27 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 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 February 10, 2006, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before April 11, 2006. On February 13, 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 October 23, 2007, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On April 14, 2008, the director concluded that the bond had been breached.

On appeal, the alien asserts that he is eligible to remain in the United States as he is in the process of applying for Temporary Protected Status (TPS). As evidence, the alien provides a copy of a Notice of Action, Form I-797C, regarding the filing of his TPS application on February 21, 2008.

The alien was granted 60 days from the BIA order of October 23, 2007 to leave the United States. The alien did not leave as required on or before December 22, 2007. The alien did not file his TPS application until 60 days after the bond had been breached. The director's decision of April 14, 2008, declaring the bond breach is valid.

On appeal, the alien submits a copy of a motion to reopen dated December 17, 2007. The BIA inquiry system, however, does not contain any information regarding the alien's purported filing of a motion to reopen. 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 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.