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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



G3

DATE: OCT 26 2011

Office: HOUSTON

FILE: 

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

IN BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Houston, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on April 20, 2010, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before June 20, 2010. On April 22, 2010, the obligor posted a \$5000.00 bond conditioned for the voluntary departure for the above referenced alien. On December 9, 2010, the field office director concluded that the bond had been breached.

On appeal, the obligor asserts that the bonded alien departed the United States on June 18, 2010. The obligor asserts that the alien was unable to report to the U.S. Consulate Office in Ciudad Juarez, Mexico because it is closed on the weekends. The obligor asserts that on June 19, 2010, she and the alien "tried to get appearance receipt at the customs house on the [REDACTED] but were turned away." The obligor submits a Form G-146, Nonimmigrant Checkout Letter, which indicates that the alien personally appeared at the U.S. Consulate Office in Ciudad Juarez, Mexico on June 21, 2010. The Form G-146 indicates that the alien informed the consulate office that he departed the United States on June 17, 2010.

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.

The departure date of June 17 or 18, 2010, was solely based on the obligor's claim without any corroborating evidence provided to the U.S. Consulate on June 21, 2010. 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)).

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.