

Maintenance of Status and Departure Bond (MS&D)
Information Sheet¹

This bond is issued to allow for the bonded individual to enter or remain temporarily in the United States, usually as a tourist and/or businessperson. The bonded individual may also have to follow specified conditions while temporarily in the United States. Unless the bonded individual's legal status changes, the bonded individual must depart the United States in a timely manner. Failure to depart in a timely manner could result in a bond breach (loss).

Proof of departure is made when the bonded individual appears at the U.S. border or, preferably, at the U.S. Embassy/Consulate of the bonded individual's home country. U.S. Embassy officials will complete Form I-210 or Form I-94 (proof of departure forms) and forward it to the Department of Homeland Security ("DHS").

Producer needs an original or copy of the Form I-210 or Form I-94 in order to forward it to DHS to have the bond cancelled. In order to do that, the bonded individual should request an original or copy, and that needs to be forwarded to Producer so Producer can file it directly with DHS. Please note that airline tickets, papers from other foreign embassies or consulates, and foreign bills or credit card statements are not acceptable to DHS as proof of departure.

Please contact Producer prior to your departure and Producer will give you the proper proof of departure forms and explain the process.

If an application for adjustment of status is made by a bonded individual while he or she is in lawful temporary status, the bond may be canceled if his or her status is adjusted to that of a lawful permanent resident or if he or she voluntarily departs within any period granted to him or her. Lawful temporary status means that there must not have been a violation of any of the conditions of the bonded individual's classification by acceptance of unauthorized employment or otherwise during the time he or she has been accorded such classification, and that from the date of admission to the date of departure or adjustment of status he or she must have had uninterrupted approval of his or her presence in the United States in the form of regular extensions of stay or dates set by which departure is to occur, or a combination of both. The bonded individual shall not be regarded as having violated his or her status by engaging in employment subsequent to his or her proper filing of an application for adjustment of status under the applicable immigration laws and regulations.

When the status of a bonded individual who has violated the conditions of his or her admission has been adjusted as a result of administrative or legislative action to that of a permanent resident retroactively to a date prior to the violation, the bond may be canceled.

The posting of the bond does not serve to make a bonded individual who is inadmissible to the United States admissible; nor can it make a bonded individual who is ineligible for a change of status eligible. The bond only serves to enhance the bonded individual's ability to meet his or her burden of proof regarding his or her intention to maintain his or her status and depart as required by the terms of his or her admission (or change of status).

I have received a copy of this information sheet.

Date _____
Print Name _____
Signature _____
Indemnitor _____

¹ The following information is provided per the bond agreement and is for general guidance only. It does not create, alter, or waive any contract, agreement, or rights between or among the parties. It shall not be construed as legal advice, nor is it a substitute for legal advice from a licensed attorney.