Matter of Jonnathan CRUZ AIJIACO, Respondent

Decided November 2, 2026

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

No amount of bond is sufficient to ensure the respondent's appearance at future immigration hearings in light of his multiple violations of motor vehicle laws, failure to establish a fixed address, and apparent lack of eligibility for relief from removal.

FOR THE RESPONDENT: Paulette Tostado, Esquire, Houston, Texas

FOR THE DEPARTMENT OF HOMELAND SECURITY: Timothy Wakimura, Counsel

BEFORE: Board Panel: HUNSUCKER and GEMOETS, Appellate Immigration Judges; WHITE, Temporary Appellate Immigration Judge.

HUNSUCKER, Appellate Immigration Judge:

The Department of Homeland Security ("DHS") appeals from the Immigration Judge's bond order dated April 1, 2026. The Immigration Judge issued a bond memorandum explaining the bond decision on May 5, 2026. The respondent opposes the appeal. We will sustain DHS' appeal.

The Immigration Judge found the respondent eligible for bond, concluding that he was not a danger to the community and a bond in the amount of $8,000 was sufficient to ensure his appearance at future hearings. On appeal, DHS argues that the respondent is ineligible for bond because he is a danger to the community and a flight risk. We assume, without deciding, that the respondent is not a danger to the community. *See Matter of Urenas*, 25 I&N Dec. 140, 141 (BIA 2009) (explaining that the Immigration Judge must first determine if the respondent's release would pose a danger to property or persons, and then the Immigration Judge should consider what is required to ensure the respondent's appearance at future hearings). However, upon our de novo review of the record, we conclude that the respondent poses too high a flight risk to merit release on bond. *See Matter of Dobrotvorskii*, 29 I&N Dec. 211, 212 (BIA 2025) ("Whether an alien poses a flight risk is a question of judgment that we review de novo, but the factual findings underlying the judgment are reviewed for clear error.").

In June 2017, the respondent was stopped by police officers for making an improper lane change. The respondent was then arrested when the officers

determined that the respondent's driver's license was suspended and a warrant was pending for his arrest. In August 2017, the respondent was again detained by police officers after he was observed driving a vehicle with inoperative brake lights. The respondent admitted to the officers that he did not have a valid driver's license. A records check revealed that the respondent's license had been suspended multiple times, and the respondent was thereafter arrested for knowingly driving without a license.

On appeal, the respondent disputes the accuracy of the violations as alleged by DHS and claims that he never admitted to intentionally violating the law but rather misunderstood the "procedural requirements related to driving privileges." The respondent provides no evidentiary support for this claim, and it is undermined by the fact that he has had multiple encounters with law enforcement over this issue.

The Immigration Judge found that the respondent had been cited for numerous violations of laws related to the use of a motor vehicle at various different times, including repeatedly driving without a valid license. However, the Immigration Judge failed to give these violations sufficient weight when assessing whether the respondent poses a flight risk.

An alien in custody seeking release on bond must establish that he does not present a risk of flight and is likely to attend future immigration proceedings. *See Matter of R-A-V-P-*, 27 I&N Dec. 803, 805 (BIA 2020) (outlining the factors an Immigration Judge should consider in making a flight risk determination). "Inherent in the concept of flight risk is not only whether the alien will appear at future hearings before the Immigration Judge, but also whether the alien is likely to comply with future orders of the Immigration Judge." *Matter of A-L-S-*, 29 I&N Dec. 794, 797 (BIA 2026).

The respondent has been repeatedly cited for violations of motor vehicle laws in the United States, including repeatedly driving without a valid license. Laws regulating the operation of motor vehicles, including licensing laws, exist to ensure the safety of everyone in society. *See United States v. Leonard*, 439 F.3d 648, 651 (10th Cir. 2006) ("[T]he requirement of having a license has a serious purpose: to ensure that drivers meet all safety regulations and qualifications. Persistent violations of this requirement betoken a conscious disregard for these considerations.").

The respondent's violation of motor vehicle laws, including repeatedly driving without a license, indicates a disregard for existing laws and is therefore an important factor for consideration regarding risk of flight. The respondent's refusal to comply with a statutory legal requirement is

significant evidence that he would not comply with an order from the Immigration Judge regarding attendance at a future hearing. *See Portillo-Rendon v. Holder*, 662 F.3d 815, 816 (7th Cir. 2011) ("Driving while intoxicated *or without a license* reflects both indifference to the welfare of other drivers and pedestrians *and defiance of known legal obligations*." (emphasis added)).

The respondent has also not clearly established that he has a fixed address within the United States. *See Matter of Z-N-L-*, 29 I&N Dec. 511, 512 (BIA 2026) (concluding that inconsistent evidence regarding whether the respondent has a fixed address in the United States demonstrates the respondent is a flight risk); *Matter of Akhmedov*, 29 I&N Dec. 166, 167–68 (BIA 2025) (same). The respondent was most recently detained by DHS in February 2026, after he was encountered in Cheyenne, Wyoming. When initially detained, the respondent claimed to be unmarried and to have no children. On his application for custody redetermination, the respondent lists a wife and children with an address of only "USA."

The respondent claimed to the Immigration Judge that if released he would reside in Ocala, Florida. The respondent presented a letter from a friend allegedly living in Florida promising to ensure that the respondent would attend all of his immigration hearings. On appeal, the respondent argues that, at the time of his apprehension in February 2026, he possessed a valid Indiana driver's license and that he currently resides in Westfield, Indiana. It is unclear from the record whether the respondent resides with any family members or, indeed, even where the respondent resides. The respondent's failure to provide a clear fixed address weighs heavily against finding he is not a flight risk. *See Matter of Z-N-L-*, 29 I&N Dec. at 512–13 (finding unmitigable flight risk based on lack of clear fixed address).

The Immigration Judge determined that the respondent's pending application for cancellation of removal and his residence with his wife and children established that he is not a flight risk. The findings underlying this determination are clearly erroneous. As discussed above, the respondent's address and residence with family members are not established by the record evidence. Furthermore, the respondent has not demonstrated that he is prima facie eligible for cancellation of removal. *See Matter of Andrade*, 19 I&N Dec. 488, 490 (BIA 1987) (observing that an alien with a greater likelihood of being granted relief has a greater motivation to appear for future hearings); *see also Matter of A-L-S-*, 29 I&N Dec. at 797 ("[S]peculative future eligibility for relief based upon conjecture or hypothetical future events does not materially diminish flight risk."). The record indicates that the respondent entered the United States in August of 2016 and was placed in

removal proceedings in February 2026. Thus, the record does not reflect the requisite continuous physical presence for cancellation of removal. *See* section 240A(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b)(1)(A) (requiring 10 years of continuous physical presence).

The burden of proof is on the alien to demonstrate that he is likely to appear for future immigration proceedings. *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006). The respondent has shown a disregard for the laws of the United States, failed to establish a fixed address, and failed to demonstrate prima facie eligibility for any relief from removal. The respondent, thus, has not met his burden to prove he is likely to appear at future immigration proceedings. We conclude that no amount of bond is sufficient to ensure the respondent's appearance at future immigration hearings in light of his multiple violations of motor vehicle laws, failure to establish a fixed address, and apparent lack of eligibility for relief from removal. Accordingly, we will sustain DHS' appeal and order the respondent detained without bond.

ORDER: The appeal is sustained, and the Immigration Judge's April 1, 2026, decision granting bond is vacated.

FURTHER ORDER: The respondent shall be detained without bond.