

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

eBONDS ACCESS APPLICATION AND AGREEMENT

OMB No. 1653-0046
Exp. 05/31/2016

INSTRUCTIONS

Electronic Bonds Online, Phase II (eBONDS Phase II) expands the electronic bonding process initiated in eBONDS Phase I. eBONDS Phase II allows U.S. Immigration and Customs Enforcement (ICE) to send bond-related notices to bond obligors by electronic mail and permits obligors to post new bonds online. Surety companies and agents not participating in eBONDS Phase I must complete this application and agreement, including Addendum 1, if they wish to use the eBONDS system and receive Bond-Related Notices issued by ICE through the eBONDS email system. They must also submit required documentation (see below for list of required documents) to ICE before they may participate in the eBONDS program. **Companies currently participating in eBONDS Phase I need only submit a signed copy of Addendum 1 of this agreement to participate in eBONDS Phase II.**

This application may be completed by an acceptable Surety Company (Surety). An acceptable Surety is one that appears in the current Department of the Treasury Circular 570 as a company holding the required certificate of authority to act as a Surety on Federal bonds. Sureties not currently participating in eBONDS Phase I must submit, with this application, Powers of Attorney (POAs) executed by their presidents and certified by their corporate secretaries or other authorized corporate officers for each agent they propose to authorize to post immigration bonds on their behalf using eBONDS. All authorized surety agents and administrators must complete the ICE Information Assurance Awareness Training, which will be provided to them by ICE, prior to gaining access to the system.

The Surety will be liable for any breach of its program approval agreement, including breaches by its authorized agents. If a breach of the agreement occurs, or if the Surety is no longer listed on Treasury Circular 570, the Surety must notify ICE immediately by emailing the ICE Headquarters Bond Management Unit (HQ BMU) at ebonds.ice@ice.dhs.gov or by calling the **eBONDS Help Desk at (202) 732-5999**.

Failure of a Surety not currently participating in eBONDS Phase 1 to fully and accurately complete the application (including the submission of required documents) and Addendum 1 will result in rejection of the application. ICE may refuse to accept this application, as permitted by law.

While eBONDS provides a means for legal recognition of electronic signatures and bond posting records, ICE reserves the authority to impose and modify guidance and rules to ensure the confidentiality, availability, and integrity of immigration bonds and records or when necessary for other authorized purposes.

The continuing use of eBONDS by a Surety or its agents expresses their agreement to be bound by all of the terms and conditions applicable to using eBONDS. By submitting this application, the Surety further agrees that the POAs submitted as a part of this application will remain in full force and effect and may be accepted as the act and deed of the Surety until written notice to the contrary is received by the applicable ICE Enforcement and Removal Operations (ERO) Field Office(s) to which the agent is posting or has posted immigration bonds on behalf of the Surety and HQ BMU. The POA executed by each Surety automatically attaches to each immigration bond posted by the agent on the Surety's behalf through the eBONDS system. The Surety will have the responsibility via the eBONDS system to stipulate how many bonds its agents can post. The Surety also agrees to maintain and disable agents' accounts and Public Key Infrastructure (PKI) certificates immediately if an agent resigns, is terminated, fails to comply with the terms of the agreement, or misuses the system. The eBONDS electronic Immigration Bond, Form I-352, may not be amended electronically. Amendments or attempts to amend Form I-352 will constitute a breach of the agreement and withdrawal of the privilege of using eBONDS. All acts of the Surety's agent, including any irregularity, infirmity or unauthorized use of eBONDS by said agents, are the sole responsibility of the Surety. The Surety agrees to indemnify and hold harmless the United States from all losses or damages arising from its agents' actions in using eBONDS for posting immigration bonds on its behalf.

Sureties and Agents may assign Administrators to assist with the management of their eBONDS Accounts. Surety Administrators can monitor bonds posted by their Agents, reset passwords, lock accounts, and assign POA Reference numbers and per bonds limits to Agents. Agent Administrators can monitor bonds posted by their employees, reset passwords, lock accounts, and assign POA Reference numbers and Surety Administrator limits on the number of bonds to be issued by their agents. If Administrators are utilized, they are responsible for ensuring that eBONDS accounts are locked when agents are no longer authorized to post bonds on behalf of the Surety or Agent.

Receiving electronic notices: To receive Bond-Related Notices, such as demands, breaches, or cancellations issued by ICE via email (**Addendum 1**) or to add or deactivate agents or administrators (**Addendum 2**), please submit the attached addendum/addenda with this application. The completed addendum/addenda may be scanned and emailed to: ebonds.ice@ice.dhs.gov or mailed to: **ICE/ ERO/BMU, 500 12th Street, SW, Washington, DC 20536**. Any addenda received by ICE will be reviewed to ensure completeness and accuracy, and will be rejected if they are insufficient.

eBONDS Phase I participants as well as Sureties using eBONDS for the first time during eBONDS Phase II agree to the terms and conditions set forth in the Rules of Behavior Form and Addendum 1 and 2.

IF YOU DO NOT ACCEPT AND AGREE TO THE TERMS OF THIS APPLICATION, YOU MAY NOT ACCESS eBONDS OR USE ANY OF THE SERVICES PROVIDED THROUGH eBONDS. AUTHORIZED SURETIES WILL STILL BE ALLOWED TO POST IMMIGRATION BONDS IN PERSON AT AN ERO FIELD OFFICE.

REQUIRED DOCUMENTS:

For new eBONDS users:

- Application.
- Addendum 1 of this application.
- Rules of Behavior Form signed by an appropriate officer of the Surety and each agent acknowledging and agreeing to comply with all of said rules.
- Executed Powers of Attorney (POAs) for each agent authorized to post bonds on behalf of the Surety including specific authority to post immigration bonds using the eBONDS system.
- A Public Key Infrastructure (PKI) certificate for authentication purposes.
- A copy of the Surety's last annual report to the Secretary of State or other state entity licensing sureties in the state of the Surety's licensure.
- A certified copy of the corporate resolution(s) authorizing the execution of this application and authorization for the execution of each POA submitted with this application.
- Certification that each agent has satisfactorily completed Information Assurance Awareness Training. Training materials can be obtained by contacting HQ BMU at ebonds.ICE@ice.dhs.gov or by calling the **eBONDS Help Desk at (202) 732-5999**.

For current eBONDS users:

- Addendum 1 to this application.

To add or deactivate an agent and/or administrator:

- Addendum 2 to this application.

eBONDS APPLICATION

eBONDS Access Agreement: The Surety applies for access to eBONDS subject to the above requirements and conditions which Surety accepts and agrees to perform.

Part 1. Surety Company Information

Do not use SSN.

Surety Company Name: _____

Mailing Address of Surety: _____

City, State, and Zip Code: _____

Telephone: _____

Email address of Surety Point of Contact (POC): _____

Surety Entity Identification Number (EIN): _____

*Check here if Surety is authorized to post immigration bonds in **all** U.S. States & Territories*

If box is not checked, please list all the U.S. States and Territories in which the Surety is authorized to post immigration bonds:

Part 2. Agent(s) authorized as an agent to post immigration bonds on behalf of the Surety Company

Do not use SSN.

Agent 1.

Name of Agent: _____

Name of Agency: _____

Mailing Address of Agent: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

Agent or Producer Number (Surety Issued): _____

Agent State License Number: _____

Agency EIN: _____

Agent 2.

Name of Agent: _____

Name of Agency: _____

Mailing Address of Agent: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

Agent or Producer Number (Surety Issued): _____

Agent State License Number: _____

Agency EIN: _____

Agent 3.

Name of Agent: _____

Name of Agency: _____

Mailing Address of Agent: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

Agent or Producer Number (Surety Issued): _____

Agent State License Number: _____

Agency EIN: _____

*** Note: If needed, please provide additional agents on a separate sheet of paper with all required information.**

Part 3. Administrator(s) for the Surety or Agency

Do not use SSN.

Administrator 1.

Name and Title of Administrator: _____

Surety or Agency Name: _____

Mailing Address: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

Surety or Agency EIN: _____

Administrator 2.

Name and Title of Administrator: _____

Surety or Agency Name: _____

Mailing Address: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

Surety or Agency EIN: _____

Administrator 3.

Name and Title of Administrator: _____

Surety or Agency Name: _____

Mailing Address: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

Surety or Agency EIN: _____

**** Note: If needed, please provide additional administrators on a separate sheet of paper with all required information.***

Part 4. Privacy Statement

Authority: The collection of this information is authorized by 8 U.S.C. §§ 1103, 1183, 1226, 1229c, and 1363; and 31 U.S.C. § 7701.

Purpose: The information requested is being collected to enable ICE to determine whether to grant you access privileges to eBONDS, an information system administered by ICE, and to maintain accurate records about the surety companies and their agents that have been granted access to eBONDS. ICE is also collecting this information to provide for the posting of immigration bonds, and for associated financial management activities, including collection of unpaid monies and collection and reporting on any delinquent amounts, reimbursement of the bond principal, and the calculation, payment, and reporting of interest.

Routine Uses: Your information and the information you provide may be shared internally within the U.S. Department of Homeland Security (DHS) and with personnel and contractors or other agents who need the information to support the enforcement of immigration laws and the provision of immigration benefits. The information you provide may also be shared with Treasury to facilitate payments to or collection of monies owed by an obligor; the U.S. Department of Justice and other federal and state agencies for collection, enforcement, investigatory, or litigation purposes; or as otherwise authorized under the Privacy Act of 1974, 5 U.S.C. § 552a(b), pursuant to the routine uses published in the DHS system of records notice, DHS/ICE-004 Bond Management Information System.

Disclosure: Furnishing this information is voluntary; however, failure to provide it will result in the denial of access to eBONDS. **31 U.S.C. § 7701(c)(1) requires each person doing business with a Federal government agency to furnish that agency such person's EIN. It is intent of ICE to use such numbers for collecting and reporting information on any delinquent accounts arising out of such person's relationship with the Government. The obligor, surety, surety or agency administrator, or agent must furnish its EIN to DHS. Failure to furnish the EIN may result in a refusal of the bond.**

Part 5. Public Reporting Burden

ICE is collecting this information as a part of its agency mission under DHS. The estimated average time to review the instructions, search existing data sources, gather and maintain the data needed and complete and review this collection of information is 15 minutes (.25 hours) per response. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB Control Number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Department of Homeland Security
U.S. Immigration and Customs Enforcement
PRA Office
801 I Street, N.W., Room 700 Washington, D.C. 20536-5800
(Do not mail your completed application to this address.)

Surety certifies that the information contained in this application and the documents submitted with this application are true and complete. I understand that false information and/or inappropriate use of eBONDS as stated in the Rules of Behavior may be grounds for immediate termination of the corporation's eBONDS access and subject the Surety to appropriate legal action. The Surety authorizes DHS to verify any or all information listed above.

In Witness Whereof the Surety has caused this application to be signed by its President and attested by its Secretary as the act and deed of the Surety on this _____ day of _____, _____

(Name of Surety)

by:

(Signature of President)

ATTEST:
(Affix corporate seal)

The undersigned hereby certifies that s/he is the _____ Secretary of _____, corporation organized and existing under the laws of the State of _____; that the above named President has been authorized to execute the foregoing Application on behalf of the Corporation; and that the Application for Access to eBONDS is the act and deed of the corporation;

(Signature of Corporate Secretary)

The State of _____

County of _____

The persons whose signatures appear above personally appeared before the undersigned, a Notary Public in and for the above named County and State, on the day and date above named, and acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the applicant Corporation therein named and for the purpose therein set forth, that they are duly authorized to execute the foregoing instrument, and that the statements and representations therein contained are true and correct to the best of their knowledge and belief.

Notary Signature

(Affix Notary Seal)

Notary Public in and for

The State of _____

County of _____

eBONDS Access Application and Agreement – ADDENDUM 1:

Electronic Delivery of Bond Related Notices.

Surety Company Name: _____

Mailing Address: _____

City, State, and Zip Code: _____

Email address of POC: _____

EIN: _____

By submitting this addendum, the Surety and its authorized agent(s) agree to accept demand, breach, cancellation, or any other notices or correspondence (“Bond-Related Notices”) issued by ICE by electronic mail sent through the eBONDS system. The Surety and its authorized agent(s) expressly and voluntarily waive any right to receive Bond-Related Notices by certified or regular mail. Any Bond-Related Notices sent by electronic mail to either the Surety or its authorized agent(s) trigger the duties and obligations of both to perform under any immigration bond posted after this agreement has been approved, regardless of whether the obligor indicates on the bond form that it prefers notices to be sent to both the surety and the agent.

A screen shot or print-out from ICE's computer system stating that the Bond-Related Notice was received by the Surety or its Agent will constitute valid proof that such notice was properly sent to the Surety or its agent. The Surety and its agent are responsible for continuously updating email addresses in the eBONDS system so that they are current and accurate at all times. If a Surety or its Agent fails to update its respective email address, notices sent to and received at the old addresses will be deemed valid.

The eBONDS system will prevent eBONDS users from attempting to post new bonds until the user has acknowledged demand and breach notices pending in the system at the time the user logs on. Users will be unable to post bonds in person at an ICE ERO Office if breach or demand notices remain unacknowledged on the eBONDS system, although ERO officials, at their sole discretion, may override this prohibition where hardship or unusual circumstances have been demonstrated.

Surety hereby certifies that it agrees to accept Bond-Related Notices issued by ICE by electronic mail sent through the eBONDS system in lieu of receipt by certified or regular mail.

In Witness Whereof the Surety has caused this application to be signed by its President and attested to by its Secretary as the act and deed of the Surety on this _____ day of _____, _____

(Name of Surety)

by:

(Signature of President)

**ATTEST:
(Affix corporate seal)**

The undersigned hereby certifies that s/he is the _____ Secretary of _____, a corporation organized and existing under the laws of the State of _____; that the above named President has been authorized to execute the foregoing Application on behalf of the Surety; and that the Application for Access to eBONDS is the act and deed of the Surety;

(Signature of Corporate Secretary)

eBONDS Access Application and Agreement - ADDENDUM 2:

This page is to be used to add and deactivate agents and administrators. **Do not use SSN.**

Surety Company Name: _____

Mailing Address: _____

City, State, and Zip Code: _____

Email address of POC: _____

Surety EIN: _____

Agent **Add** **Deactivate**

Name of Agent: _____

Mailing Address of Agent: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

Agent or Producer Number (Surety Issued): _____

Agent State License Number: _____ Agent's EIN: _____

Administrator **Add** **Deactivate**

Name of Administrator: _____

Surety or Agency Name: _____

Mailing Address: _____

City, State, and Zip Code: _____

Telephone: _____ Email: _____

EIN: _____

Surety hereby certifies that the information contained in this addendum is true and complete. Surety understands that false information and/or inappropriate use of eBONDS as stated in the Rules of Behavior may be grounds for immediate termination of the Surety's eBONDS access, and may subject it to appropriate legal action. The Surety authorizes DHS to verify any or all information listed above.

In Witness Whereof the Surety has caused this application to be signed by its President and attested to by its Secretary as the act and deed of the Surety on this _____ day of _____, _____

(Name of Surety)

by:

(Signature of President)