



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



FILE: [Redacted] Office: Phoenix

Date: 12 FEB 2002

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. 1230B

IN BEHALF OF OBLIGOR: Self-represented

PUBLIC COPY

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the District Director, Phoenix, Arizona and is now before the Associate Commissioner for Examinations on appeal. The appeal will be sustained. The decision declaring the bond breached will be withdrawn, and the bond will be cancelled.

The record indicates that on April 12, 2001, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An Order of the Immigration Judge dated April 12, 2001, was issued granting the alien voluntary departure in lieu of removal on or before June 11, 2001.

On appeal, the obligor asserts that the bonded alien departed the United States on June 9, 2001.

8 C.F.R. 240.26(c)(3) provides that, in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the district director.

Voluntary departure bonds are breached if the obligor fails to cause the alien to be produced or the alien fails to produce himself/herself to an immigration officer upon each and every written request until the alien voluntarily departs the United States in a timely manner and provides probative documentation of the departure or the alien is actually accepted by the Service for detention or removal.

On appeal, the obligor submitted a copy of an airline boarding pass and internet flight reservations, and immigration documents from the Mexican government as evidence of the bonded alien's departure from the United States.

The record reflects a memorandum from a Service officer which indicates that America West Airlines was contacted by telephone and it was confirmed that the bonded alien had used the ticket and was on board the flight.

Based on the Service officer's memorandum, the district director's decision to breach the bond will be withdrawn, and the bond in the will be cancelled.

ORDER: The appeal is sustained. The bond is cancelled.