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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

FILE:

[Redacted]

Office: LOS ANGELES

Date:

MAR 11 2005

IN RE:

Obligor:  
Bonded Alien:

[Redacted]

IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR:

[Redacted]

INSTRUCTIONS:

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

*Mari Johnson*

Robert P. Wiemann, Director  
Administrative Appeals Office

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

The record indicates that on April 19, 1998, the obligor posted a \$1000.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated April 6, 1988, was issued granting the alien voluntary departure in lieu of removal on or before June 5, 1988. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On June 24, 2002, the alien filed a motion for stay and petitioned the 9<sup>th</sup> Circuit Court of Appeals for review of the BIA's decision. On October 15, 2002, the 9th Circuit Court of Appeals granted the alien's motion for stay pending the disposition of his petition. On June 11, 2003 the BIA affirmed, without opinion the IJ's decision, and granted the alien voluntary departure within 30 days from the date of the order. On February 25, 2004, the 9<sup>th</sup> Circuit Court dismissed in part and denied in part the alien's petition for review. On July 26, 2004, the field office director concluded the bond had been breached.

On appeal, counsel asserts that the breach notice is in error as the alien is seeking judicial review of the BIA's decision before the 9<sup>th</sup> Circuit Court of Appeals.

The alien's temporary stay of removal remained in effect until the 9th Circuit Court of Appeals issued its decision, which on February 25, 2004, denied in part and dismissed in part the alien's petition for review.

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.

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.