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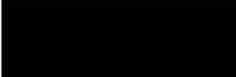
U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date: NOV 27 2006

IN RE:

Obligor:
Bonded Alien:



IMMIGRATION BOND:

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

ON BEHALF OF OBLIGOR: Self-represented

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.

Robert P. Wiemann, Chief
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 March 13, 2002, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On March 12, 2002, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before April 12, 2002. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On September 24, 2003, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On October 14, 2003, the alien filed a petition for review before the Ninth Circuit Court of Appeals. On December 17, 2004, the Ninth Circuit Court of Appeals denied petition for review and the mandate was issued on February 8, 2005. On May 31, 2006, the field office director concluded the bond had been breached.

On appeal, the alien requests an additional period of time in which to depart the United States and that the bond not be breached.

An appeal to the federal court of appeals does not stay the execution of the removal order unless the court orders otherwise. Section 242(b)(3)(B) of the Immigration and Nationality Act (the Act) 8 U.S.C. § 1252(b)(3)(B).

Pursuant to General Order 6.4(c)(1) of the United States Court of Appeals for the Ninth Circuit, upon the filing of a motion or request for stay of removal or deportation, the order or removal or deportation is temporary stayed until further order of the court.

The General Order is not applicable to this case, as the record does not reflect that the alien filed a motion for stay of removal. The director's decision of May 31, 2006 declaring the bond breach is valid.

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.