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U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: MIAMI

Date:

INRE:

Obligor:
Bonded Alien

[Redacted]

IMMIGRATION BOND:

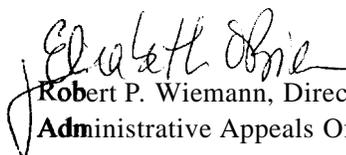
Bond Conditioned for Voluntary Departure under § 240B of the Immigration and Nationality Act, 8 U.S.c. § 1229c

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.


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, Miami, Florida, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on November 2, 1999, the obligor posted a \$500.00 bond conditioned for her voluntary departure. An order of the immigration judge (II) dated October 26, 1999, was issued granting the alien voluntary departure in lieu of removal on or before December 27, 1999. The bonded alien appealed the H's decision to the Board of Immigration Appeals (BIA). On August 27, 2003, the field office director concluded the bond had been breached.

On appeal, counsel argues that the alien did not receive the notice to surrender. Counsel asserts that Citizenship and Immigration Services (CIS) had the alien's correct address since 2002 as the alien had filed an application for Temporary Protected Status (TPS).

Bond proceedings are separate and apart from any other proceedings, and therefore the alien must inform Immigration Customs and Enforcement (ICE) of her new address. The service of the notice to surrender was issued in error, as it is not required in voluntary departure bond proceedings.

The present record indicates that on June 26, 2001, the BIA administratively closed the case because of a finding that the alien may be eligible for TPS. The record indicates that the alien has applied for, but has not been granted TPS. Administrative closing of a case does not result in termination of the proceedings. It is merely an administrative convenience, which allows the removal of cases from the calendar in appropriate situations. *See Matter o/Gutierrez-Lopez*, 21 I&N Dec. 479 (BIA 1996). In this case, the alien will be allowed to remain in the United States until the proceedings are reopened.

As the alien was not required to leave the country upon the administrative closing of the proceedings by the II, the breach of the voluntary departure bond is not valid.

ORDER: The appeal is sustained. The field office director's decision declaring the bond breached is withdrawn, and the bond is continued in full force and effect.