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U.S. Department of Justice  
Immigration and Naturalization Service

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



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FILE: [Redacted] Office: Los Angeles

Date:

24 JUL 2002

IN RE: Obligor:  
Bonded Alien:



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, Director  
Administrative Appeals Office

**DISCUSSION:** The voluntary departure bond in this matter was declared breached by the District Director, Los Angeles, California and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The record indicates that on July 10, 1998, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An Order of the Immigration Judge dated July 8, 1998, was issued granting the alien voluntary departure in lieu of removal on or before September 8, 1998. The bonded alien appealed the judge's decision to the Executive Office for Immigration Review (EOIR), and filed a subsequent motion to reopen. On November 8, 2001, the EOIR denied the motion and dismissed the appeal. The alien was granted voluntary departure within 30 days from the date of the EOIR's order. The alien has failed to depart.

On appeal, counsel asserts that a motion to reopen and an appeal has been filed at the Board of Immigration Appeals.

8 C.P.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.

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 insure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for the Service 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 district director will not be disturbed.

**ORDER:** The appeal is dismissed.