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U.S. Department of Homeland Security

Citizenship and Immigration Services

**Identifying data deleted to
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invasion of personal privacy**

ADMINISTRATIVE APPEALS OFFICE

CIS, AAO, 20 Mass, 3/F

425 I Street N.W.

Washington, D.C. 20536

GB

[REDACTED]

FILE:

[REDACTED]

Office: New York

Date: **NOV 19 2003**

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: SELF-REPRESENTED

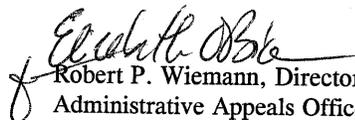
INSTRUCTIONS:

This is the decision 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.

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 that 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 Citizenship and Immigration Services (CIS) 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the District Director, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record indicates that on November 6, 1998, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the alien. An Order of the Immigration Judge (IJ) dated November 4, 1998, was issued granting the alien voluntary departure in lieu of removal on or before January 4, 1999. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On July 19, 2002, the BIA affirmed the IJ's decision and granted the alien voluntary departure within 30 days from the date of the order. The district director declared the bond breached on September 27, 2002.

On appeal, the obligor states that the bonded alien has applied for political asylum and is currently waiting for an answer from CIS, and her understanding is that, until a final decision is made, the bonded alien is allowed to remain in the United States. The obligor attached a copy of the bonded alien's employment authorization card, which was valid until May 23, 2003.

The record clearly reflects that the bonded alien's request for asylum was denied by the IJ and that this decision was affirmed by the BIA.

8 C.F.R. § 240.26(c)(3) provides that in order for the voluntary departure bond to be canceled, the alien must provide proof of departure to the district 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 insure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for ICE 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.