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U.S. Citizenship
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Services

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APR 11 2005

FILE:

Office: NEW ORLEANS

Date:

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.

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, New Orleans, Louisiana, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on April 29, 2003, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated April 29, 2003, was issued granting the alien voluntary departure in lieu of removal on or before May 29, 2003. On September 10, 2003, the field office director concluded the bond had been breached.

On appeal, the obligor asserts that the bonded alien has departed the United States. As evidence, the obligor presents a copy of the alien's flight itinerary, airline ticket and passport. The passport reflects an admission stamp, dated May 6, 2003 from an immigration officer of the Republic of Trinidad and Tobago.

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.

Immigration and Customs Enforcement will accept a document signed by an embassy official, consular officer, or an immigration officer abroad, and bearing an appropriate seal or other indicia of reliability as proof that a voluntary departure or self-removal has occurred. The field office director retains the discretion to accept other documents of voluntary departure. The original of such documents may be delivered either by the surety or through diplomatic channels. Copies of such documents will be accepted only if received through diplomatic channels.

In this case, the alien's passport was not certified to be a true copy of the original by an authorized official and was not received through official channels. Therefore, 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 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 field office director will not be disturbed.

ORDER: The appeal is dismissed.