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U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date: **AUG 17 2005**

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

S 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, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on January 30, 2001, the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated January 29, 2001, was issued granting the alien voluntary departure in lieu of removal on or before February 28, 2001. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On October 10, 2002, the BIA affirmed, without opinion, the IJ's decision, and granted the alien voluntary departure within 30 days from the date of the order. On November 8, 2002, the alien petitioned the Ninth Circuit Court of Appeals for review of the BIA's decision. On October 29, 2004, the petition for review was denied by the Ninth Circuit Court of Appeals. On April 18, 2005, the field office director concluded the bond had been breached.

On appeal, the obligor asserts that he did not receive any correspondence notifying him of his departure date.

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). There is no evidence of record to indicate that the Ninth Circuit Court of Appeals had stayed the bonded alien's removal.

The alien was granted 30 days from the BIA's order of October 10, 2002 to leave the United States. The alien did not leave as required on or before November 9, 2002. The director's decision of April 18, 2005 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.