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**U.S. Citizenship
and Immigration
Services**

G3



FILE:



Office: LOS ANGELES

Date: **DEC 13 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, San Francisco, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on July 11, 2003, the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated July 8, 2003, was issued granting the alien voluntary departure in lieu of removal on or before September 6, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On August 18, 2004, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. The alien filed a motion to reopen before the BIA. On October 5, 2004, the BIA denied the motion to reopen. The alien filed a petition for review before the Ninth Circuit Court of Appeals. On March 29, 2005, the Ninth Circuit Court of Appeals dismissed the petition for review. On August 3, 2005, the field office director concluded the bond had been breached.

On appeal, the alien states that except for making poor decisions in the attorneys he selected to represent him, he has not committed any crime or been in trouble. The alien asserts that he has been residing in the United States for over 16 years, and requests that his case be reconsidered.

It is noted that the alien filed a subsequent motion to reopen before the BIA, which was denied on August 31, 2005.

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.