

# PUBLIC COPY

**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



U.S. Citizenship  
and Immigration  
Services

G3

FILE:

Office: LOS ANGELES

Date: **DEC 28 2005**

IN RE:

Obligor:  
Bonded Aliens

IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration  
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR:

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.

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 (AAO) on appeal. The appeal will be dismissed.

The record indicates that on September 25, 2003, the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated September 18, 2003, was issued granting the alien voluntary departure in lieu of removal on or before November 10, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On November 26, 2004, the BIA affirmed the IJ's decision, and granted the alien voluntary departure within 30 days from the date of the order. On June 9, 2005, the field office director concluded the bond had been breached.

On appeal, counsel asserts that the bonded alien departed the United States in December 2004. Counsel claims that the alien presented himself to the American Consulate in Guadalajara, Mexico on December 23, 2004. As evidence of the alien's departure, counsel provides a copy of the BIA's coversheet, which included a typed statement indicating that the alien appeared before a representative of the American Consulate General in Guadalajara, Mexico on December 23, 2004.

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 (ICE) 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.

Although counsel submits a copy of the BIA's coversheet dated November 26, 2004 that purportedly bears a signature of a representative of the American Consulate in Guadalajara, Mexico, the document was not certified to be a true copy of the original and was not received through official channels.

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.