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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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JAN 12 2005

FILE:



Office: LOS ANGELES

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

The obligor appears to be represented; however, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative. All representations will be considered, but the decision will be furnished only to the obligor.

The record indicates that on January 27, 2003 the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated January 23, 2003, was issued granting the alien voluntary departure in lieu of removal on or before March 24, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On October 6, 2002, the BIA dismissed the appeal as untimely. The alien subsequently filed a motion to reconsider. On March 4, 2004, the BIA denied the alien's motion to reconsider. On May 11, 2004, the field office director concluded the bond had been breached.

On appeal, the obligor asserts that his motion to reconsider is currently pending before the BIA.

8 C.F.R. § 1003.2(f) states in part that a filing of a motion to reopen or a motion to reconsider shall not stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay of execution is specifically granted by the BIA, the immigration judge, or an authorized ICE officer.

As previously mentioned, the obligor's motion to reconsider was denied by the BIA on March 4, 2004. The field office director's decision of May 11, 2004 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 (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.