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U.S. Citizenship  
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Services

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FILE:



Office: NEW YORK Date: JUN 14 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 cursive script that reads "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 York, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on February 14, 2001, the obligor posted a \$500.00 bond conditioned for her voluntary departure. An order of the immigration judge (IJ) dated February 9, 2001, was issued granting the alien voluntary departure in lieu of removal on or before April 9, 2001. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On November 12, 2002, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On November 4, 2004, the field office director concluded the bond had been breached.

On appeal, the applicant asserts that she has never violated the terms of the bond agreement. The applicant states that she requested an extension of time in which to depart the United States, but has not received a response from the director. As evidence, the alien provides a copy of a letter addressed to the field office director requesting an extension of time for voluntary departure.

Execution of the BIA's decision shall proceed unless a stay of execution is specifically granted by the BIA, the IJ, or an authorized Immigration and Customs Enforcement (ICE) officer. The record contains no evidence that the BIA, IJ or ICE granted the alien's request.

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 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.