

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

63

AUG 07 2007

FILE:



Office: NEW YORK Date:

IN RE:

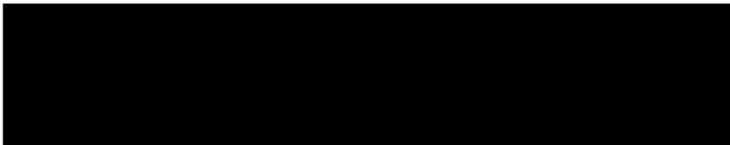
Obligor:
Bonded Alien:



IMMIGRATION BOND:

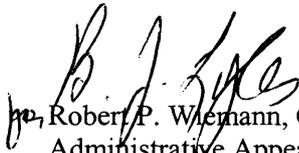
Bond Conditioned for Voluntary Departure under § 240B of the
Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR:



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. Wienmann, Chief
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 June 26, 2006, the obligor posted a \$500.00 bond conditioned for her voluntary departure. On June 23, 2006, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before August 22, 2006. On August 22, 2006, the alien filed a motion to reopen before the IJ. On September 15, 2006, the IJ denied the motion. On October 5, 2006, the alien appealed the IJ's decision to the BIA. On April 30, 2007, the field office director concluded the bond had been breached on August 23, 2006.

On appeal, the obligor asserts that she has an appeal currently pending before the BIA.

The regulation at 8 C.F.R. § 1003.38(b), requires that an appeal be filed directly with the BIA within 30 days after the stating of an IJ's oral decision or the mailing of the IJ's written decision. In the instant case, the bonded alien filed her appeal on October 6, 2006, 104 days after the issuance of the IJ's decision. As such, the field office director's decision declaring the bond breached on August 23, 2006 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.