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U.S. Citizenship
and Immigration
Services

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FILE:



Office: PHOENIX

Date:

JAN 08 2007

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. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Phoenix, Arizona, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on September 20, 2005, the obligor posted a \$500.00 bond conditioned for her voluntary departure. On September 19, 2005, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before November 18, 2005. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On June 28, 2006, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On September 18, 2006, the field office director concluded the bond had been breached on August 27, 2006.

On appeal, counsel asserts that a Form I-246, Application for Stay of Deportation or Removal was filed; however, no response to the application was ever served upon the alien.

The record reflects that on August 23, 2006, the bonded alien filed a Form I-246. Neither the request nor failure to receive notice of disposition of the request shall delay removal. *See* 8 C.F.R. § 241.6(a).

It is noted that on October 17, 2006, the director denied the alien's Form I-246.

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.

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.