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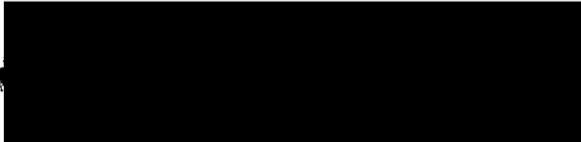
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE:



Office: LOS ANGELES

Date: JAN 19 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: 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.

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

The record indicates that on September 22, 2004, the obligor posted a \$500.00 bond conditioned for her voluntary departure. On September 21, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before November 15, 2004. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On January 30, 2006, the BIA affirmed, without opinion, the IJ's decision, and granted the alien voluntary departure within 60 days from the date of the order. On May 25, 2006, the field office director concluded the bond had been breached on April 1, 2006.

On appeal, the bonded alien asserts that she had filed a motion to reconsider before the BIA on May 4, 2006.

The U.S. Court of Appeals for the Ninth Circuit ruling in *Barroso v. Gonzales*, No. 03-72552 (9th Cir. 2005) states in part that where a timely motion to reconsider has been filed before the expiration of the voluntary departure period, the period of voluntary departure is automatically tolled while the BIA is considering the motion.

This ruling is not applicable to the case at hand as the alien did not file a *timely* motion to reconsider before the BIA. The director's decision of May 25, 2006, declaring the bond breached on April 1, 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.

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.