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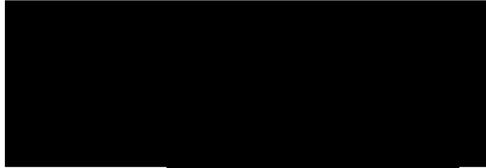
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

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FILE: [Redacted] Office: LOS ANGELES Date: JUL 19 2007

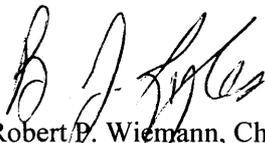
IN RE: Obligor: [Redacted]
Bonded Alien: [Redacted]

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.


per 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 (AAO) on appeal. The appeal will be dismissed.

The record indicates that on November 13, 2003, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. On November 7, 2003, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before January 6, 2004. On December 4, 2003, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On February 15, 2005, the BIA summarily affirmed the IJ's decision, and granted the alien voluntary departure within 30 days from the date of the order. On March 14, 2005, the alien filed a petition for review before the United States Circuit Court of Appeals for the Ninth Circuit (Ninth Circuit).¹ On July 27, 2006, the field office director concluded the bond had been breached on March 17, 2005.

On appeal, the obligor asserts that the alien filed a petition for review and a motion for stay of removal that is currently pending before the Ninth Circuit.

Pursuant to General Order 6.4(c)(1) of the Ninth Circuit, upon the filing of a motion or request for stay of removal or deportation, the order or removal or deportation is temporarily stayed until further order of the court.

The General Order is not applicable to this case, as the documentation in the record does not indicate that a request for stay of removal had been filed by the bonded alien.

The alien was granted 30 days from the BIA's order of February 15, 2005 to leave the United States. The alien did not leave as required. The director's decision of July 27, 2005, declaring the bond breached 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.

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.

¹ On March 16, 2007, the Ninth Circuit denied in part and dismissed in part the alien's petition for the review and issued its mandate on May 8, 2007.