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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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[REDACTED]

FILE: [REDACTED] Office: LOS ANGELES Date: JUL 25 2007

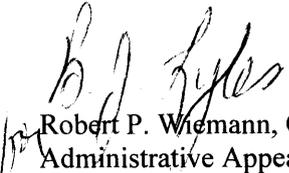
IN RE: Obligor: [REDACTED]  
Bonded Alien: [REDACTED]

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

ON BEHALF OF OBLIGOR:  
[REDACTED]

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

The record indicates that on December 23, 2003, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On December 16, 2003, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before February 1, 2004. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 10, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On or about April 4, 2005, the alien filed a petition for review before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On March 10, 2006, the Ninth Circuit remanded the matter to the BIA. On December 12, 2006, the field office director concluded the bond had been breached on March 15, 2006.

On appeal, counsel asserts that the bond had not been breached as the BIA has not made a decision since the matter was remanded by the Ninth Circuit.

Pursuant to Appendix A(52) of the General Orders, the Ninth Circuit stayed the execution of the alien's removal pending the BIA's decision. The bonded alien is allowed to remain in the United States under the condition of the voluntary departure bond until the BIA issues its decision. The record fails to contain any evidence that a new decision has been issued by the BIA.

Therefore, the field office director's decision to breach the bond will be withdrawn, the appeal will be sustained, and the bond will be continued

**ORDER:** The appeal is sustained. The field office director's decision declaring the bond breached will be withdrawn and the bond continued in full force and effect.