

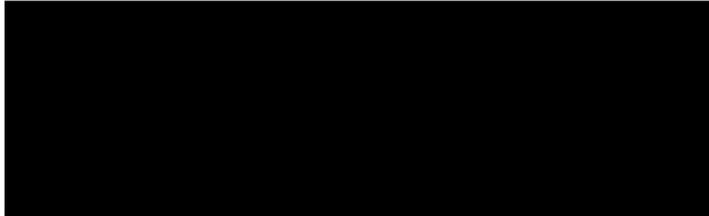
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529

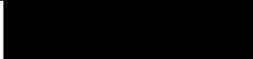


**U.S. Citizenship
and Immigration
Services**



93

FILE:



Office: EL PASO

Date: **MAY 03 2007**

IN RE:

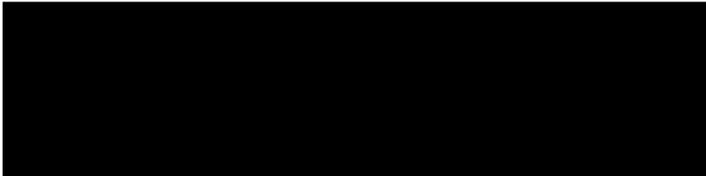
Obligor:
Bonded Alien:



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
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, El Paso, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on December 27, 2004, the obligor posted a \$500.00 bond conditioned for her voluntary departure. On December 21, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before February 19, 2005. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On January 27, 2006, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On March 27, 2006, the field office director approved the alien's request for an extension of time in which to voluntarily depart the United States until May 26, 2006. On July 25, 2006, the field office director concluded the bond had been breached.

On appeal, counsel asserts that as of May 25, 2006, the appeal was still pending before the BIA.

Counsel's assertion has no merit as the record clearly reflects that the BIA dismissed the appeal on January 27, 2006. Upon receiving a request by the alien, the field office director extended the voluntary departure until May 26, 2006. The alien did not leave as required on or before May 26, 2006. The field office director's decision of July 25, 2006, declaring the bond breach 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.