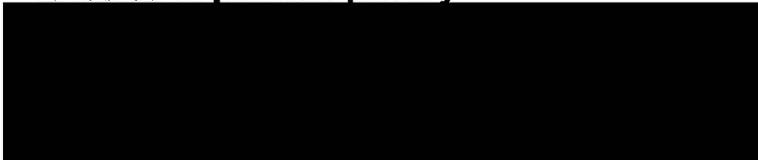




U.S. Citizenship  
and Immigration  
Services

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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



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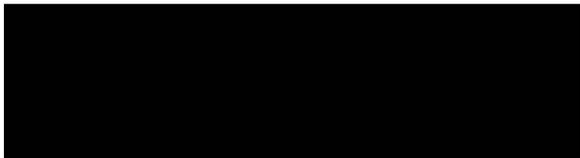
FILE: [redacted] Office: NEW YORK Date: MAY 09 2007

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, New York, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on November 1, 2004, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On October 26, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before December 27, 2004. The bonded alien waived his right to appeal the IJ's decision. On December 22, 2004, the bonded alien filed a motion to reopen before the Immigration Court. On March 10, 2005, the IJ denied the motion to reopen. On April 14, 2005, the alien filed an appeal before the Board of Immigration Appeals (BIA). On May 11, 2005, the BIA dismissed the appeal as it lacked jurisdiction. On February 16, 2006, the field office director concluded the bond had been breached on December 28, 2004.

On appeal, counsel asserts that the bonded alien "was unable to comply with grant of voluntary departure because his travel documents were in possession of the USCIS and were not returned despite several requests for such." Counsel asserts that on December 23, 2004 and December 21, 2005 a Form I-246, Application for Stay of Deportation or Removal was filed on behalf of the alien. Counsel claims that in accordance with the application, the alien's passport was provided to Citizenship and Immigration Services (CIS). The record does not reflect that a stay was filed or that the alien gave his passport to CIS.

Immigration and Customs Enforcement (ICE) records reflect that on December 13, 2004, the alien presented to ICE an airline ticket to depart the United States on December 26, 2004. At the same time, the alien was issued a Form G-146 and his passport was returned to him.

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 ICE 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.