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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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MAY 31 2007

FILE:

Office: LOS ANGELES

Date:

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.

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 August 4, 2003, the obligor posted a \$1000.00 bond conditioned for her voluntary departure. On July 31, 2003, an immigration judge issued an order granting the alien voluntary departure in lieu of removal on or before September 29, 2003. On September 13, 2004, the field office director concluded the bond had been breached on September 29, 2003.

On appeal, the obligor asserts that her father has filed a petition on her behalf under section 245 of the Immigration and Nationality Act.

The alien's alleged eligibility for adjustment of status has no bearing in this matter as bond proceedings are separate and apart from any other proceedings.

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.