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U.S. Citizenship
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Services

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FILE:



Office: COW Date:

OCT 10 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: 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.

A handwritten signature in black ink that reads "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Director, Headquarters, Bonds, Immigration and Customs Enforcement (ICE), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record indicates that on November 14, 2003, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. On November 13, 2003, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before January 12, 2004. On December 5, 2003, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On February 25, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On March 25, 2005, the alien filed a motion to reopen before the BIA and a petition for review and a motion for stay of removal before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On May 5, 2005, the BIA denied the motion to reopen. On November 29, 2005, the Ninth Circuit dismissed the petition for review and issued its mandate on January 23, 2006. On May 4, 2007, the director concluded the bond had been breached.

On appeal, the obligor requests that the alien remain in the United States as the alien's departure will cause extreme hardship for the family.

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 director will not be disturbed.

ORDER: The appeal is dismissed.