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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: LOS ANGELES

Date: **SEP 18 2007**

IN RE:

Obligor:
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: 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 (AAO) on appeal. The appeal will be dismissed.

The record indicates that on July 14, 2004, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On July 9, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before September 7, 2004. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On July 21, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On August 22, 2005, the alien filed a petition for review and a motion to stay before the United States Circuit Court of Appeals for the Ninth Circuit (Ninth Circuit). On January 27, 2006, the Ninth Circuit dismissed the petition for review for lack of jurisdiction and issued its mandate on February 21, 2006. On August 1, 2006, the field office director concluded the bond had been breached on March 26, 2006.

On appeal, the obligor asserted that he did not receive any notice regarding his departure. The obligor requested that the decision be reconsidered as he has a family to support in the United States. The obligor asserted that a brief would be submitted within 30 days to the AAO. However, more than a year later, no further correspondence has been presented by the obligor.

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.