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



U.S. Citizenship and Immigration Services

PUBLIC COPY



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FILE: [REDACTED] Office: LOS ANGELES Date: APR 17 2008

IN RE: Obligor: [REDACTED]
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 February 15, 2001, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before April 16, 2001. On February 20, 2001, the obligor posted a \$500.00 bond conditioned for her voluntary departure. On March 5, 2001, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On August 15, 2003, the BIA affirmed, without opinion, the IJ's decision and granted the alien voluntary departure within 30 days from the date of the order. On November 6, 2006, the field office director concluded the bond had been breached on September 14, 2003.

On appeal, the obligor argues that decisions concerning voluntary departure are reviewed under an abuse of discretion standard, and cites *Wong Wing Hang vs. INS*, 360 F. 2d 715, 718-719 (2d Cir. 1966).¹

The obligor's assertion has no merit as 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. The issue before the AAO is whether the alien voluntarily departed the United States on or before September 14, 2003.

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.

¹ The obligor was represented on appeal; however, the attorney of record, _____ is deceased. Despite an AAO inquiry to the deceased attorney's law firm on March 5, 2008, the AAO has not been provided with evidence of new representation. Accordingly, the obligor will be considered self-represented.