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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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U.S. Citizenship
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63

FILE: [REDACTED] Office: LOS ANGELES Date: APR 29 2009

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

IN 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

John F. Grissom
Acting 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 October 28, 2005, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before December 27, 2005. On November 7, 2005, the obligor posted a \$500.00 bond conditioned for his voluntary departure. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 30, 2007, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On July 29, 2007, the field office director concluded that the bond had been breached on May 29, 2007

On appeal, the alien asserts that he never received any notice informing him of his departure date from the United States.

The record reflects that during his removal proceedings the alien was represented by counsel,¹ and the decision rendered by the BIA was been mailed to counsel's address of record. The alien cites no regulation or statute that requires Immigration and Customs Enforcement (ICE) to provide the alien with further notification of his departure date following the issuance of the BIA's decision.

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.

¹ Counsel submitted a letter dated August 2, 2007, indicating that his office was withdrawing as attorney of record.