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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



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FILE: [REDACTED]

Office: LOS ANGELES

Date:

MAR 31 2011

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:

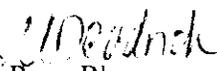


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

  
Perry Rhew  
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 summarily dismissed.

The record indicates that on December 6, 2002, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before February 4, 2003. On December 9, 2002, the obligor posted a \$500.00 bond conditioned for the above referenced alien. On September 2, 2004, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On December 20, 2004, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order.

On January 19, 2005, the alien filed 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 July 18, 2005, the Ninth Circuit dismissed the petition review for lack of jurisdiction, and all other pending motions were denied as moot. The temporary stay of removal was continued in effect until the issuance of the mandate. On August 8, 2005, the alien filed a motion to reconsider the dismissal of the petition for review. On August 26, 2005, the Ninth Circuit denied the motion for reconsider. On September 26, 2005, the alien filed a motion for clarification before the Ninth Circuit. On September 27, 2005, the alien filed a motion to reconsider before the BIA. In issuing its decision on October 24, 2005, the Ninth Circuit determined that the case was closed as its previous order of August 26, 2005, had denied the motion to reconsider. The Ninth Circuit noted that if the alien wished to challenge its decision of August 26, 2005, a motion for reconsider must be filed within 14 days of that order. If no motion was filed within the 14-day timeframe, the case would remain closed.

On November 7, 2005, the alien filed a motion for reconsideration of the August 26, 2005 order before the Ninth Circuit. On December 5, 2005, the BIA denied the motion to reconsider as it was untimely filed. On January 30, 2006, the Ninth Circuit denied the motion for reconsideration of its August 26, 2005 order, and noted that no further filing would be accepted in this close case. On April 10, 2006, the alien filed a second motion before the BIA. On May 25, 2006, the BIA denied the motion due to numerical limitations.<sup>1</sup> On June 23, 2008, the field office director concluded that the bond had been breached on June 12, 2008.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

On appeal, counsel for the obligor indicates at Part 2 on the appeal form that a brief and/or additional evidence would be submitted to the AAO within 30 days.<sup>2</sup> Counsel asserts that the brief will be based on an approved labor certification and a Form I-140 petition filed on the

<sup>1</sup> See 8 C.F.R. § 1003.3(c)(2).

<sup>2</sup> Every appeal submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions being hereby incorporated into the particular section of the regulations in this chapter requiring its submission. 8 C.F.R. § 103.2(a)(1). The Form I-290B instructs the applicant to submit a brief and additional evidence to the AAO within 30 days of filing the appeal.

alien's behalf and that the alien's son has a mental disorder and would suffer if the alien is sent back to Mexico. To date, however, no additional correspondence has been presented by the counsel or the obligor.

Inasmuch as the obligor has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

**ORDER:** The appeal is dismissed.