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U.S. Citizenship
and Immigration
Services

G3

FILE:

Office: HOUSTON

Date: NOV 18 2005

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:

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.

Mari Johnson

2 Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Houston, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on October 10, 2003, the obligor posted a \$500.00 bond conditioned for her voluntary departure. An order of the immigration judge (IJ) dated October 7, 2003, was issued granting the alien voluntary departure in lieu of removal on or before December 6, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 25, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On July 6, 2005, the field office director concluded the bond had been breached.

On appeal, counsel asserts that the bonded alien voluntarily departed the United States within the 30-day period of the BIA's decision. Counsel submits a copy of the BIA's decision, which included a right index fingerprint purportedly belonging to the alien, and a handwritten statement indicating that the alien "departed via Brownsville Gateway Bridge via vehicle to Mexico on 4-24-05."

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.

Immigration and Customs Enforcement (ICE) will accept a document signed by an embassy official, consular officer, or an immigration officer abroad, and bearing an appropriate seal or other indicia of reliability as proof that a voluntary departure or self-removal has occurred. The field office director retains the discretion to accept other documents of voluntary departure. The original of such documents may be delivered either by the surety or through diplomatic channels. Copies of such documents will be accepted only if received through diplomatic channels.

The documentation submitted by counsel on appeal cannot be accepted as it was not certified to be a true copy of the original and was not received through official channels.

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.