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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date:

MAR 12 2007

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

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 on appeal. The appeal will be dismissed.

The record indicates that on February 2, 2005, the obligor posted a \$500.00 bond conditioned for the bonded alien's voluntary departure. On January 31, 2005, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before April 1, 2005. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 29, 2006, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. The alien subsequently filed a motion to reopen and a motion to stay of removal. On August 25, 2006, the BIA denied the alien's motion and request for stay of removal. On June 28, 2006, the field office director concluded the bond had been breached on May 28, 2006.

On appeal, counsel asserts that neither she nor the bonded alien was notified or served with the BIA's decision.

The BIA's decision of August 25, 2006, however, notes that its decision of March 29, 2006 was mailed to the address provided by counsel on Form EOIR-27.

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.