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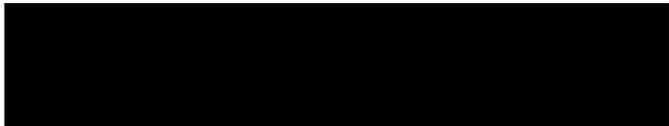
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date:

MAY 15 2008

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: 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 on appeal. The appeal will be dismissed.

The record indicates that on January 30, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before March 30, 2004. On February 2, 2004, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On May 13, 2005, the BIA affirmed, without opinion, the IJ's decision, and granted the alien voluntary departure within 50 days from the date of the order. On June 3, 2005, the alien filed a petition for review before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On November 9, 2006, the Ninth Circuit dismissed in part and denied in part the petition for review. On November 22, 2006, the alien filed a motion to reconsider the dismissal in part of the petition for review. On January 31, 2007, the Ninth Circuit denied the petition for rehearing en banc, and issued its mandate on February 8, 2007. On October 5, 2007, the field office director concluded that the bond had been breached on March 8, 2007.

On appeal, the obligor asserts that a motion to reconsider the petition for review is pending before the Ninth Circuit.

As previously noted, the Ninth Circuit denied the motion to reconsider on January 31, 2007.

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. The director's decision of October 5, 2007, declaring the bond breach on March 8, 2007, is valid.

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.