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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: LOS ANGELES Date: **SEP 18 2008**

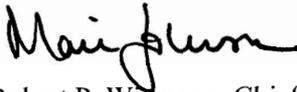
IN RE: Obligor: [REDACTED]
Bonded Alien

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 summarily dismissed.

The record indicates that on December 17, 2003, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before February 12, 2004. On December 17, 2003, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On January 16, 2004, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On April 12, 2005, the BIA affirmed, without opinion, the IJ's decision, and granted the alien voluntary departure within 30 days from the date of the order. On June 23, 2008, the alien filed a motion to reopen before the BIA. On August 7, 2007, the field office director concluded that the bond had been breached on May 12, 2005.

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, the obligor indicates that he is submitted a brief and/or evidence. A thorough review of the record, however, reveals no brief and/or evidence was submitted with the Form I-290B, and to date, no such correspondence has been provided.

The United States Court of Appeals for the Ninth Circuit (Ninth Circuit) ruling in *Azarte v. Ashcroft*, 394 F.3d 1278 (9th Cir. 2005) states, in pertinent part, that where a timely motion to reopen has been filed and in which a stay of voluntary departure has been requested, the voluntary departure period is tolled during the time that the BIA is considering the motion.

The Ninth Circuit's ruling is not applicable to the case at hand as the alien did not file a *timely* motion to reopen before the BIA.

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.