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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS2090
Washington, D.C. 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: COW Date:

AUG 04 2009

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

IN 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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 \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Director, Headquarters, Bonds, Immigration and Customs Enforcement (ICE), and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on March 16, 2006, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before May 15, 2006. On March 20, 2006, the obligor posted a \$500.00 bond conditioned for her voluntary departure. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On October 19, 2007, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. The alien filed a petition for review before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On January 30, 2008, the Ninth Circuit dismissed the petition for review and issued its mandate on February 21, 2008. On February 15, 2008, the alien filed a motion to reinstate before the Ninth Circuit. The motion to reinstate the petition for review was granted and the order of January 30, 2008 was vacated. On March 10, 2008, the Ninth Circuit dismissed the petition for review for lack of jurisdiction. The temporary stay of removal was continued in effect until the issuance of the mandate. All other pending motions were denied as moot. On March 31, 2008, the alien filed a motion to reconsider, which was denied by the Ninth Circuit on April 30, 2008. On June 3, 2008, the mandate was issued. On October 27, 2008, the director concluded that the bond had been breached on July 5, 2008.

On appeal, the alien requests that her case be reconsidered as she has four children who are United States citizens and, therefore, she cannot depart.

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 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 director will not be disturbed.

ORDER: The appeal is dismissed.