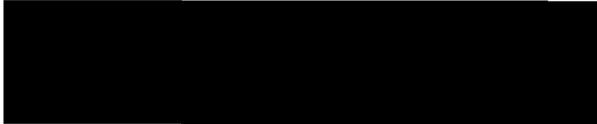




U.S. Citizenship
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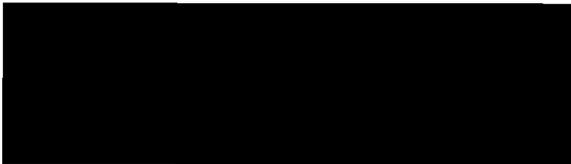
G3

FILE: [REDACTED] Office: HOUSTON Date: SEP 09 2010

IN RE: Obligor: [REDACTED]
Bonded Alien: [REDACTED]

IMMIGRATION BOND: Bond Conditioned for Voluntary Departure under § 240B of the
Immigration and Nationality Act, 8 U.S.C. § 1229c

IN 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.

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).

Thank you,

Perry Rhew
Chief, 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 sustained.

The record indicates that on May 30, 2007, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before July 29, 2007. On June 4, 2007, the obligor posted a \$500.00 bond conditioned for her voluntary departure. On June 28, 2007, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On August 27, 2008, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On November 13, 2008, the alien filed a motion to reopen before the BIA. On January 12, 2009, BIA vacated its order of August 27, 2008, and the proceedings were reinstated upon the BIA's own motion. The BIA reissued its decision as of January 12, 2009, and incorporating by reference the text of the vacated order. On January 29, 2009, the field office director concluded that the bond had been breached on January 28, 2009.

In reissuing its order, the BIA noted that it was incorporating the text of the vacated order. Therefore, the alien had 60 days from January 12, 2009 in which to depart the United States. At the time the director deemed the bond to have been breached, the alien had 44 days left in which to timely depart. As such, the field office director's decision declaring the bond was breached on January 28, 2009 is not valid.

It is noted that the record contains a photocopied Form G-146, Non-immigrant Checkout Letter, which indicates that the alien departed the United States on March 10, 2009. The Form I-205, Warrant of Removal/Deportation, indicates that the alien's departure was verified by Customs and Border Protection.

ORDER: The appeal is sustained. The field office director's decision declaring the bond breached will be withdrawn.