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**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: LOS ANGELES

Date: **MAR 21 2005**

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.

Mari Johnson

S Robert P. Wiemann, Director
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 November 6, 2002, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated October 31, 2002, was issued granting the alien voluntary departure in lieu of removal on or before December 30, 2002. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 17, 2004, 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 April 16, 2004, the field office director approved the alien's request for an extension of time in which to depart the United States on or before June 16, 2004. On May 24, 2004, the alien filed an Application for Stay of Deportation, which was denied by field office director on June 25, 2004. On July 1, 2004, the field office director concluded the bond had been breached.

In his appeal dated July 30, 2004, the obligor asserts that the alien received an extension while the British Embassy was considering a request for visas for the alien and her family.

As noted, the alien's request for an extension was approved until June 16, 2004.

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.

It is noted that the record contains a notice issued by the field office director on August 11, 2004, which informed the alien that she was eligible for an administrative stay of deportation and a stay of deportation has been granted until August 11, 2005. The record, however, does not contain any evidence that the field office director withdrew her previous decision of June 25, 2004, and therefore, the field office director's decision of July 1, 2004 declaring the bond breach 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 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 field office director will not be disturbed.

ORDER: The appeal is dismissed.