

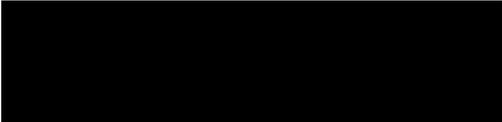
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
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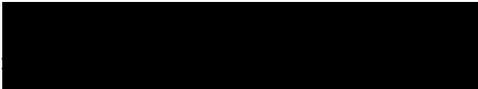


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FILE: 

Office: LOS ANGELES

Date: MAR 24 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:



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

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 June 4, 2003, the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated May 30, 2003, was issued granting the alien voluntary departure in lieu of removal on or before July 29, 2003. The bonded alien appealed the [REDACTED] decision to the Board of Immigration Appeals (BIA). On October 5, 2004, the BIA affirmed, without opinion, the [REDACTED] decision and granted the alien voluntary departure within 30 days from the date of the order. On December 20, 2004, the field office director concluded the bond had been breached.

On appeal, counsel asserts that although the bonded alien appeared before the U.S. Consulate in Guadalajara, Mexico on November 5, 2004, he departed the United States on October 26, 2004. As evidence of the alien's departure, counsel submits a copy of a receipt dated November 5, 2004 from the U.S. Consulate General in Guadalajara Mexico and a copy of the alien's airline ticket and flight itinerary.

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.

A physical verification of departure by an immigration officer at the port of departure, or a verification of the alien's presence in the foreign destination by a United States consular officer or immigration officer abroad, is required to verify departure.

Immigration and Customs Enforcement (ICE) will accept a document signed by an embassy official, consular officer, or an immigration officer abroad, and bearing an appropriate seal or other indicia of reliability as proof that a voluntary departure or self-removal has occurred. The field office director retains the discretion to accept other documents of voluntary departure. The original of such documents may be delivered either by the surety or through diplomatic channels. Copies of such documents will be accepted only if received through diplomatic channels.

Counsel's claim that the alien departed the United States on October 26, 2004, is not supported by any acceptable evidentiary documentation. The record does not contain a Notification of Departure-Bond Case (Form I-392) properly executed by a United States Embassy official, consular officer or immigration officer abroad and received through official channels indicating the bonded alien's departed the United States on or before November 4, 2004.

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.