



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

Identifying data deleted to
prevent disclosure of unwarranted
invasion of personal privacy



63

FILE:

Office: PORTLAND

Date:

NOV 30 2006

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.

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, Portland, Oregon and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on November 16, 2004, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On November 8, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before January 7, 2005. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On March 2, 2006, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On May 1, 2006, the field office director concluded the bond had been breached.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for Immigration and Customs Enforcement (ICE) to function in an orderly manner.

In the instant case, the alien was entitled to 60 days from the BIA order to leave the United States, which ended on May 1, 2006. ICE did not wait the required 60 days prior to issuing its decision. As such, the director's decision dated May 1, 2006 is not valid. Accordingly, the director's decision to breach the bond will be rescinded and the appeal will be sustained

ORDER: The appeal is sustained. The field office director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.