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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: LOS ANGELES Date: JAN 17 2007

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

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, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on October 25, 2002, the obligor posted a \$1000.00 bond conditioned for his voluntary departure. On October 22, 2002, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before November 21, 2002. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On February 24, 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. The alien filed a motion to reopen before the BIA, which was denied on August 24, 2004. The alien subsequently filed a second motion to reopen before the BIA, which denied on March 14, 2005. On March 17, 2004, the alien filed his first petition for review along with a motion for stay of removal before the Ninth Circuit Court of Appeals. The Ninth Circuit Court of Appeals denied the alien's motion for a stay of removal on September 16, 2004, and denied the petition for review on April 8, 2005. On September 20, 2004, the alien filed his second petition for review along with a motion for stay of removal before the Ninth Circuit Court of Appeals. The petition for review was denied on April 13, 2005. On March 31, 2005, the alien filed his third petition for review along with a motion for stay of removal before the Ninth Circuit Court of Appeals. The petition for review was denied on November 25, 2005. On March 8, 2006, the field office director concluded the bond had been breached.

On appeal, the obligor asserts that he has filed a petition for review before the Ninth Circuit Court of Appeals.

The record reflects that the obligor has filed three petitions for review before the Ninth Circuit Court of Appeals, which all have been denied. It appears from the Certificate of Service dated November 29, 2005 from the obligor, he may have filed a fourth petition for review.

An appeal to the federal court of appeals does not stay the execution of the removal order unless the court orders otherwise. Section 242(b)(3)(B) of the Immigration and Nationality Act (the Act) 8 U.S.C. § 1252(b)(3)(B). There is no evidence of record to indicate a fourth petition for review has been filed or that the Ninth Circuit Court of Appeals has stayed the bonded alien's removal.

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 Immigration and Customs Enforcement 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.