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FILE:

Office: LOS ANGELES

Date: JUN 13 2007

IN RE:

Obligor:  
Bonded Alien:

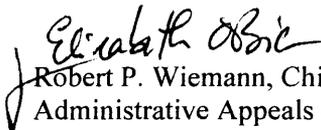
IMMIGRATION BOND:

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, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The record indicates that on November 21, 2003, the obligor posted a \$500.00 bond conditioned for the voluntary departure of above referenced alien. On November 17, 2003, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before January 16, 2004. On December 5, 2003, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On April 14, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On May 2, 2005, the alien filed a petition for review before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On March 10, 2006, the Ninth Circuit dismissed in part and denied in part the petition for review. On March 22, 2006, the field office director concluded the bond had been breached on January 16, 2004.

On appeal, the obligor asserts that the alien filed a petition for review and a motion for stay of removal that is currently pending before the Ninth Circuit.

The regulation at 8 C.F.R. § 1003.6(a) provides, in pertinent part, that a decision shall not be executed during the pendency of an appeal before the BIA. In the instant case, the right of appeal was not waived and was filed timely. Accordingly, the field office director's decision dated March 22, 2006, declaring the bond breached on January 14, 2004 is not valid.

Therefore, the field office director's decision to breach the bond will be withdrawn, the appeal will be sustained, and the bond will be continued in full force and effect.

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 The field office director's decision declaring the bond breached will be withdrawn and the bond continued in full force and effect.