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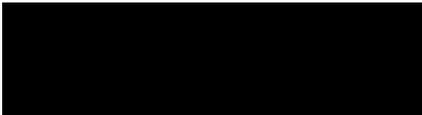


Office: LOS ANGELES

Date: MAR 07 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 on appeal. The appeal will be dismissed.

The record indicates that on February 11, 2002, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On February 8, 2002, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before April 9, 2002. On March 8, 2002, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On August 25, 2003, 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 September 22, 2003, the alien filed a petition for review and a stay of removal before the Ninth Circuit Court of Appeals. On February 24, 2004, the Ninth Circuit Court of Appeals dismissed the petition for review and the mandate was issued on April 19, 2004. On January 14, 2005, the field office director concluded the bond had been breached.

On appeal, the obligor asserts that he failed to depart the United States due to misrepresentation by Peru Immigration Services. The obligor contends that he was neither given the correct information regarding the date of his voluntary departure nor informed of the conditions or terms in accordance with the obligations of the bond contract. The obligor requests the matter be reconsidered because an immigrant petition has been filed on his behalf.

It is unclear what relation if any, the obligor had with Peru Immigration Services. The record of proceedings for this bond appeal does not reveal a Form G-28 authorizing representation by Peru Immigration Services or any other organization or individual. The record reflects that the alien acted *pro se* during his removal proceedings. Furthermore, bond proceedings are separate and apart from any other proceedings and, therefore, the filing of an immigration petition has no bearing in this matter.

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.