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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**



G3

DATE: **APR 18 2011**

Office: LOS ANGELES

FILE:

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

IN BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
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 dismissed.

The record indicates that on April 17, 2007, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before June 18, 2007. On April 19, 2007, the obligor posted a \$500.00 bond conditioned for his voluntary departure. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On April 9, 2008, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On May 5, 2008, the alien filed a motion to reconsider before the BIA. On August 14, 2008, the BIA denied the motion. On September 15, 2008, the alien filed a motion to reopen before the BIA. On January 30, 2009, the BIA denied the motion as untimely. On May 11, 2009, the field office director concluded that the bond had been breached on October 13, 2008.

On appeal, the alien asserts that his child would suffer extreme hardship if he was to return to Mexico. The alien submits his daughter's school transcript and indicates that this evidence was not available during his hearing on April 17, 2007.

The alien's assertion has no merit as 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. The issue before the AAO is whether the alien voluntarily departed the United States on or before October 13, 2008.

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.

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.