



U.S. Department of Justice

Immigration and Naturalization Service

61

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



FILE: [Redacted] Office: St. Louis

Date:

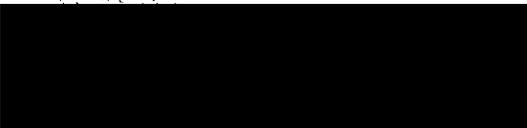
AUG 10 2000

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:



Public Copy

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prevent clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Officer in Charge, St. Louis, Missouri, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The record indicates that on August 3, 1999 the obligor posted a \$1,000 bond conditioned for the voluntary departure of the above referenced alien. An Order of the Immigration Judge dated July 27, 1999 was issued granting the alien voluntary departure in lieu of removal on or before November 29, 1999. On March 23, 2000, the officer in charge sent the obligor a notice to surrender the alien to a Service officer on April 3, 2000. After failing to surrender the alien on that specified date, the officer in charge informed the obligor that the voluntary departure bond had been breached on April 3, 2000.

On appeal, counsel provides a letter in which he asserts that the bonded alien returned to Mexico on or about December 27, 1999 and no longer resides in the United States. Counsel requests that the appropriate documentation be forwarded to the obligor so that the obligor may recover the bond.

8 C.F.R. 240.26(c)(3) provides that, in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the district director.

The record reflects that the alien was granted voluntary departure from the United States on or before November 29, 1999. No satisfactory evidence has been introduced into the record to establish he made a timely departure. The record contains an assertion that the alien departed after the specified date. The bond was breached on November 30, 1999 the day following the expiration of voluntary departure. The service of a notice to surrender or the presence of a certified mail receipt is not required in a voluntary departure bond proceedings.

Voluntary departure bonds are exacted to insure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for the Service 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 district director will not be disturbed.

ORDER: The appeal is dismissed.