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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CLEVELAND Date: MAR 24 2005

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, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Cleveland, Ohio, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on December 8, 2003, the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated December 2, 2003, was issued granting the alien voluntary departure in lieu of removal on or before February 2, 2004. On December 18, 2004, the field office director concluded the bond had been breached.

On appeal, the alien asserts that he departed the United States and entered Canada on January 19, 2004. The alien states that he first went to the United States Consulate in Calgary, but was informed, "they stopped doing such services." The alien states that he appeared twice at the United States Immigration at the Calgary Airport and three times at the Edmonton Airport before "somebody could help me."

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.

Immigration and Customs Enforcement (ICE) will accept a document signed by an embassy official, consular officer, or an immigration officer abroad, and bearing an appropriate seal or other indicia of reliability as proof that a voluntary departure has occurred. The field office director retains the discretion to accept other documents of voluntary departure. The original of such documents may be delivered either by the obligor or through diplomatic channels. Copies of such documents will be accepted only if received through diplomatic channels.

The record contains a copy of a Notice of Determination of Eligibility to the Convention Refugee, Form IMM 1442 (03-2003) B from the Canadian Immigration issued on January 19, 2004. The Form G-146 from the Edmonton CBP Office indicates that the alien appeared before an immigration official on March 31, 2004; however, no acceptable evidentiary documentation was provided of the alien's alleged January 19, 2004 departure from the United States.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for ICE to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to establish that he departed 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.