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U.S. Citizenship
and Immigration
Services

GB



MAR 29 2004

FILE: [Redacted] Office: CHICAGO Date:

IN RE: Obligor: [Redacted]
Bonded Alien: [Redacted]

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 District Director, Chicago, Illinois, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on June 5, 2001, the obligor posted a \$2,500 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated May 30, 2001, was issued granting the alien voluntary departure in lieu of removal on or before June 29, 2001. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On August 15, 2002, the BIA affirmed, without opinion, the IJ's decision and granted the alien voluntary departure within 30 days from the date of the order. Subsequently, the BIA reopened the proceedings and on October 24, 2002, remanded the case for further proceedings as the alien appeared to qualify for benefits under section 245(i) of the Immigration and Nationality Act (the Act). On November 25, 2002, the district director concluded the bond had been breached. On May 30, 2003, the IJ granted the alien's application for adjustment of status under section 245(i) of the Act.

The appeal has been filed by the bonded alien's attorney. The alien and the attorney are without standing in this proceeding.

An immigration bond is a contract between ICE and the obligor. The obligor or her attorney-in-fact is the proper party to appeal the ICE decision to breach the bond. *See Matter of Insurance Company of North America*, 17 I&N Dec. 251 (Act. Reg. Comm. 1978).

The regulations provide that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee ICE has accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v).

ORDER: The appeal is rejected.