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U.S. Citizenship
and Immigration
Services

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GI

FILE:



Office: ST. PAUL

Date:

FEB 16 2005

IN RE:

Obligor:

Bonded Alien:



IMMIGRATION BOND:

Bond Conditioned for the Delivery of an Alien under Section 103 of the
Immigration and Nationality Act, 8 U.S.C. § 1103

ON BEHALF OF OBLIGOR: Self-represented

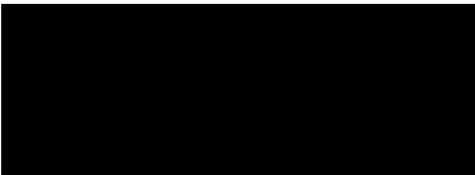
INSTRUCTIONS:

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.

Mari Johnson

Σ

Robert P. Wiemann, Director
Administrative Appeals Office



DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, St. Paul, Minnesota, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on August 1, 1996, the obligor posted a \$7,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated April 14, 2004, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of an officer of Immigration and Customs Enforcement (ICE) at 9:00 a.m. on April 28, 2004, at 2901 Metro Drive, Suite 100, Bloomington, MN 55425. The obligor failed to present the alien, and the alien failed to appear as required. On April 29, 2004, the field office director informed the obligor that the delivery bond had been breached.

The appeal has been filed by the someone other than the obligor. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision. The individual is without standing in this proceeding. 8 C.F.R. § 103.3(a).

An immigration bond is a contract between ICE and the obligor. The obligor or the 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).

It is noted that statements made on appeal indicate that the obligor has been deceased since 1998, and therefore no notices were received. However, neither the obligor's death certificate nor a Designation of Attorney in Fact, Form I-312, has been provided. Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *See Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

ORDER: The appeal is rejected.