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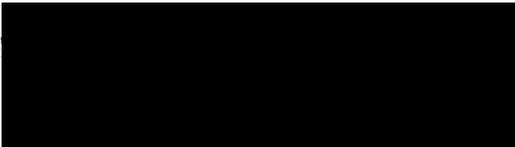
U.S. Department of Homeland Security
20 Mass. Ave., N.W. Rm. A3042
Washington, DC 20529



U.S. Citizenship
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FILE:

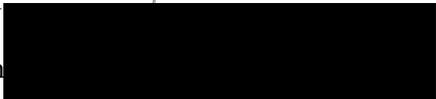


Office: KANSAS CITY, MO Date:

MAY 03 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

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, Kansas City, Missouri. The Administrative Appeals Office (AAO) rejected the appeal without rendering a decision. The matter is now before the AAO on a motion to reconsider. The motion will be rejected.

The record indicates that on January 3, 2003, the obligor posted a \$7,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated September 16, 2003, 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 September 23, 2003, at [REDACTED]

[REDACTED] The obligor failed to present the alien, and the alien failed to appear as required. On September 26, 2003, the field office director informed the obligor that the delivery bond had been breached.

A review of the record reveals that the AAO rejected the appeal as the appeal had been filed by the bonded alien's attorney who had no standing in this proceeding. The obligor or his 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 bonded alien's attorney has now filed a motion seeking to reopen the appeal that was rejected.

As the appeal was rejected by the AAO, there is no decision on the part of the AAO that may be reopened in this proceeding. According to 8 C.F.R. § 103.5(a)(1)(ii), jurisdiction over a motion resides in the official who made the latest decision in the proceeding. The AAO did not enter a decision on this matter. Because the disputed decision was rendered by the field office director, the AAO has no jurisdiction over this motion and the motion must be rejected.

ORDER: The motion is rejected.