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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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GI

FILE:

Office: HOUSTON

Date:

AUG 28 2007

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record indicates that October 22, 2004, the obligor posted a \$2,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated December 26, 2006, 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 January 31, 2007, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On March 2, 2007, the field office director informed the obligor that the delivery bond had been breached.

The record reflects that at the time the appeal was filed (February 16, 2007), a breach notice had not been issued by the field office director. As such, there was no issue before the AAO as of the date of the appeal.¹ 8 C.F.R. § 103.3.

ORDER: The appeal is rejected.

¹ If the Form I-290B had been properly filed, it would still have been rejected as it was filed by the bonded alien's attorney. The alien and the attorney are without standing in this proceeding. The obligor or his attorney-in-fact is the proper party to appeal the Immigration and Customs Enforcement decision to breach the bond. See *Matter of Insurance Company of North America*, 17 I&N Dec. 251 (Act. Reg. Comm. 1978).