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U.S. Citizenship  
and Immigration  
Services

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GS

FILE:



Office: LOS ANGELES

Date:

APR 13 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

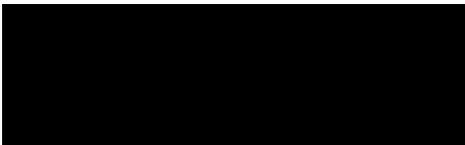
ON BEHALF OF OBLIGOR: Self-represented

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.

*Mari Johnson*

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, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on January 5, 1999, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated December 28, 1998, was issued granting the alien voluntary departure in lieu of removal on or before February 26, 1999. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On October 31, 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. On November 27, 2002, the field office director approved the alien's request for an extension on time in which to depart the United States until February 28, 2003. The alien filed a motion to reopen, which was denied by the BIA on February 5, 2003. On February 28, 2003, the BIA reopened its decision and administratively closed the case as it had been established that field office director had extended the alien's voluntary departure date, and the alien had applied for adjustment of status under the LIFE Act. On November 18, 2004, the field office director concluded the bond had been breached.

The appeal has been filed by the bonded alien's attorney. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision. The alien and the attorney are 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 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 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.