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U.S. Citizenship
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FILE: [REDACTED] Office: DENVER Date: APR 13 2005

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.

Mari Johnson

S Robert P. Wiemann, Director
Administrative Appeals Office

cc: [REDACTED]

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Denver, Colorado, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on July 12, 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 July 6, 1999, was issued granting the alien voluntary departure in lieu of removal on or before September 7, 1999. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On August 27, 2002, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On September 26, 2002, the alien filed a petition for review before the Tenth Circuit Court of Appeals. On September 27, 2002, the alien filed a motion to reopen before the BIA. On October 7, 2002, the motion to reopen was rejected by the BIA. On August 20, 2004, the Tenth Circuit Court of Appeals dismissed the petition for review. On January 31, 2005 the field office director concluded the bond had been breached.

The Form G-28, Entry of Appearance as Attorney or Representative, that was submitted in conjunction with the filing of the appeal was signed by the bonded alien, not the obligor. 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)(1)(iii)(B).

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)(A)(1).

ORDER: The appeal is rejected.