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FILE:



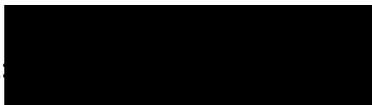
Office: NEW YORK

Date:

AUG 08 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.

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, New York, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on June 27, 2000, 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 June 23, 2000, was issued granting the alien voluntary departure in lieu of removal on or before August 22, 2000. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On October 8, 2002, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On December 12, 2003, the field office director concluded the bond had been breached.

The appeal has been filed by the bonded alien's representative, [REDACTED]. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision. The alien and the representative are without standing in this proceeding. 8 C.F.R. § 103.3(a)(1)(iii)(B).

An immigration bond is a contract between Immigration and Customs Enforcement (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).

It is noted that [REDACTED] submitted a single fee of \$110.00 for the bonded alien and her spouse, the obligor. Separate alien registration numbers in bond proceedings are issued with separate decisions and, therefore, are not covered under one decision. Further, the record does not contain a Form G-28, Entry of Appearance as Attorney of Representative indicating that [REDACTED] is authorized to represent the obligor in this proceeding. As there is nothing in the record that demonstrates that [REDACTED] is the obligor's representative and, therefore, acting on behalf of a recognized party, [REDACTED] is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(ii)(B).

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)(I).

ORDER: The appeal is rejected.