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



U.S. Citizenship
and Immigration
Services

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FILE:



Office: BUFFALO

Date: JUN 20 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

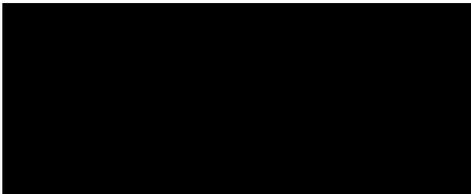
ON BEHALF OF OBLIGOR: Self-represented

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

The record indicates that on November 18, 2003, the obligor posted a \$5000.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated November 14, 2003, was issued granting the alien voluntary departure in lieu of removal on or before November 15, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On December 13, 2004, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On January 10, 2005, the alien filed a petition for review before the Second Circuit Court of Appeals. On February 11, 2005, 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)(1)(iii)(B).

An immigration bond is a contract between Immigration and Customs Enforcement (ICE) and the obligor. The obligor or its 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)(I).

ORDER: The appeal is rejected.