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U.S. Citizenship
and Immigration
Services

G3



FILE:



Office: LOS ANGELES

Date: **NOV 11 2005**

IN RE:

Obligor:
Bonded Ali



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~~ 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 (AAO) on appeal. The appeal will be rejected.

The record indicates that on April 16, 2003, 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 April 16, 2003, was issued granting the alien voluntary departure in lieu of removal on or before May 16, 2003. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On July 23, 2004, 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 August 6, 2004, the alien filed a petition for review before the Ninth Circuit Court of Appeals. On May 25, 2005, the Ninth Circuit Court of Appeals remanded the matter to the BIA. On June 17, 2005, the field office director concluded the bond had been breached.

The regulation at 8 C.F.R. § 292.4(a) provides, in part, that “[a] notice of appearance entered in application or petition proceedings must be signed by the obligor to authorize representation in order for the appearance to be recognized by Immigration and Custom, Enforcement.”

In the instant case, the obligor did not sign the Form G-28, Entry of Appearance as Attorney or Representative.

Accordingly, pursuant to 8 C.F.R. § 292.4(a), the AAO sought to clarify whether [REDACTED] is authorized to represent the obligor in this proceeding. On October 18, 2005, the AAO telephoned counsel's office and requested that a properly executed Form G-28 be submitted. To date, however, a properly executed Form G-28 has not been submitted to the AAO. Accordingly, there is no evidence that [REDACTED] is authorized to represent the obligor in this proceeding and to file a Form I-290B on behalf of the obligor. 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, counsel is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). As the appeal was not properly file, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.