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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: PHOENIX (LVG)

Date:

FEB 16 2007

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

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Robert P. Wiemann, Chief
Administrative Appeals Office

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

The record indicates that on March 18, 2005, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. On March 11, 2005, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before May 10, 2005. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On December 27, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. The alien filed a petition for review before the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit). On July 3, 2006, the Ninth Circuit dismissed the petition for review and issued its mandate on July 25, 2006. On October 16, 2006, the field office director concluded the bond had been breached on September 24, 2006.

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 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)(A)(1).

ORDER: The appeal is rejected.