



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: COW Date: SEP 18 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, Chief  
Administrative Appeals Office

**DISCUSSION:** The voluntary departure bond in this matter was declared breached by the Director, Headquarters, Bonds, Immigration and Customs Enforcement (ICE), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record indicates that on September 14, 2004, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. On September 13, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before November 12, 2004. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On November 16, 2005, the BIA dismissed the appeal, and granted the alien voluntary departure within 60 days from the date of the order. On May 23, 2007, the director concluded the bond had been breached on May 17, 2007.

The appeal has been filed by the bonded alien. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision. The alien is 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 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)(I).

Assuming, [REDACTED] the appeal had been filed by the obligor, it would still be rejected as the appeal was untimely filed. The record indicates that the director issued the Notice-Immigration Bond Breached on May 23, 2007 and properly gave notice to the obligor that he had 33 days to file the appeal. Although the appeal was dated June 6, 2007, it was received by ICE on July 23, 2007, 61 days after the decision was issued.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b). The date of filing is not the date of mailing, but the date of actual receipt. *See* 8 C.F.R. § 103.2(a)(7)(i).

As the appeal was improperly filed, the appeal must be rejected.

**ORDER:** The appeal is rejected.