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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[redacted]

FILE: [redacted] Office: LOS ANGELES Date: [redacted]

IN RE: Obligor:
Bonded Alien [redacted]

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

[redacted]

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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 on appeal. The appeal will be rejected.

The record indicates that on March 4, 2002, 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 February 28, 2002, was issued granting the alien voluntary departure in lieu of removal on or before April 29, 2002. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On September 4, 2003, 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 May 14, 2004, the alien petitioned the Ninth Circuit Court of Appeals for review of the BIA's decision. On May 19, 2004 the field office director concluded the bond had been breached.

The appeal has been filed by the bonded alien's attorney. The alien and the attorney are without standing in this proceeding.

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).

ORDER: The appeal is rejected.