U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

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U.S. Citizenship and Immigration Services

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FILE: [redacted] Office: LOS ANGELES Date: JUN 28 2004

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.

Elizabeth O'Brien
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 on appeal. The appeal will be rejected.

The record indicates that on January 3, 2000, 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 January 3, 2000, was issued granting the alien voluntary departure in lieu of removal on or before March 3, 2000. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On November 7, 2002, the BIA affirmed, without opinion, the IJ's decision. The applied subsequently filed a motion to reopen and for stay of deportation before the BIA. On October 3, 2003, the BIA denied the motion to reopen and for stay of deportation. On January 6, 2004, the field office director concluded the bond had been breached.

The appeal has been filed by someone other than the obligor. The individual, however, is 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.