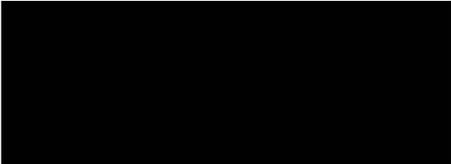




U.S. Citizenship
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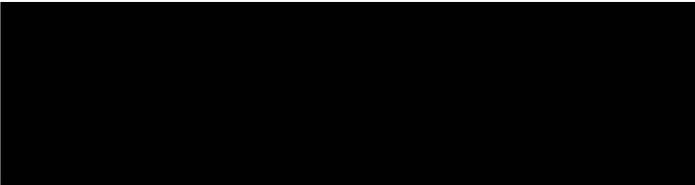
FILE: [Redacted] Office: SAN ANTONIO Date:

DEC 03 2009

IN RE: Obligor: [Redacted]
Bonded Alien: [Redacted]

IMMIGRATION BOND: Bond Conditioned for the Delivery of an Alien under Section 103 of the Immigration and Nationality Act, 8 U.S.C. § 1103

IN BEHALF OF OBLIGOR:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, San Antonio, Texas. A subsequent appeal was rejected by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be rejected.

The record indicates that on January 5, 2009, the obligor posted a \$7,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated March 19, 2009, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of an officer of Immigration and Customs Enforcement (ICE) at 10:00 a.m. on April 24, 2009, at 8940 Fourwinds Drive, Room 2063, San Antonio, TX 78239. The obligor failed to present the alien, and the alien failed to appear as required. On April 27, 2009, the field office director informed the obligor that the delivery bond had been breached.

A review of the record reveals that on August 25, 2009, the AAO rejected the appeal as the appeal had been filed by the alien's attorney who had no standing in this proceeding. 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).

On motion, counsel submits a Form G-28, Entry of Appearance as Attorney or Representative, signed by the obligor and counsel, and asserts that the obligor never received any correspondence demanding the alien to surrender on May 18, 2009.

As the appeal was rejected by the AAO, there is no decision on the part of the AAO that may be reopened in this proceeding. According to 8 C.F.R. § 103.5(a)(1)(ii), jurisdiction over a motion resides in the official who made the latest decision in the proceeding. The AAO did not enter a decision on this matter. Because the disputed decision was rendered by the above mentioned director, the AAO has no jurisdiction over this motion and the motion must be rejected.

ORDER: The motion is rejected..