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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

Office: HAWAII (AGA)

Date:

MAR 05 2008

IN RE:

Obligor:

Bonded Alien:

IMMIGRATION BOND:

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

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 Field Office Director, Detention and Removal, Honolulu, Hawaii, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on August 30, 2002, the obligor posted a \$2000.00 bond conditioned for the voluntary departure of the above referenced alien. On August 30, 2002, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before September 30, 2002. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On February 12, 2004, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On March 2, 2004, the alien filed a petition for review and a motion to stay removal before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On June 19, 2007, the Ninth Circuit denied the petition for review and issued its mandate on August 13, 2007. On October 11, 2007, the field office director concluded the bond had been breached on September 13, 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 Immigration and Customs Enforcement (ICE) and the obligor. The obligor or her 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.