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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

G1

[REDACTED]

FILE:

[REDACTED]

Office: COW

Date:

APR 03 2009

IN RE:

[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:

[REDACTED]

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.

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Director, Headquarters, Bonds, Immigration and Customs Enforcement (ICE). The Administrative Appeals Office (AAO) rejected the appeal without rendering a decision. The matter is now before the AAO on a motion to reopen. The motion will be rejected.

The record indicates that on September 13, 2007, the obligor posted a \$1,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated October 3, 2008, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of ICE at 10:00 a.m. within five days of October 23, 2008, at the nearest ICE, Detention and Removal Office. The obligor failed to present the alien, and the alien failed to appear as required. On November 10, 2008, the director informed the obligor that the delivery bond had been breached.

A review of the record reveals that the AAO rejected the appeal as the appeal had been filed by someone other than the obligor 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 puts for a Form I-290B signed by the obligor and asserts that the bond has not been breached as the alien appeared on October 24, 2008.

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.