U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: JAN 2 8 2013 Office: El PASO FILE:

IN RE:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

for Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, El Paso, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on December 23, 2008, the obligor posted a $7,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated March 9, 2012, 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 9:00 a.m. on April 3, 2012, at the nearest ICE, Detention and Removal Office. The field officer director determined that the obligor failed to present the alien, and the alien failed to appear as required. On April 12, 2012, the field office director informed the obligor that the delivery bond had been breached.[1]

The appeal has been filed by the bonded alien's attorney. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision. The alien and the attorney are without standing in this proceeding. 8 C.F.R. § 103.3(a)(1)(iii)(B).

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 regulation provides 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.

[1] Pursuant to 8 C.F.R. § 103.5(a)(5)(i), on May 9, 2012, the field office director issued a motion to reopen and reinstated the bond. It was determined by the field office director that the breach notice was based upon an incorrect assessment of available evidence.