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U.S. Citizenship  
and Immigration  
Services

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63

FILE:

Office: PHILADELPHIA

Date:

MAY 09 2007

IN RE:

Obligor:  
Bonded Alien:

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, Philadelphia, Pennsylvania, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on January 9, 2004, the obligor posted a \$500.00 bond conditioned for his voluntary departure. On January 6, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before March 8, 2004. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On October 13, 2004, the BIA dismissed the appeal, and granted the alien voluntary departure within 30 days from the date of the order. On January 12, 2005, the field office director concluded the bond had been breached.

The regulation at 8 C.F.R. § 292.4(a) provides, in part, that “[a]n appearance shall be filed on the appropriate form by the attorney or representative appearing in each case.”

In the instant case, the Form I-290B, Notice of Appeal, has been signed by someone other than the obligor and there is no Form G-28, Entry of Appearance as Attorney or Representative on file. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision.

An immigration bond is a contract between Immigration and Customs Enforcement (ICE) and the obligor. The obligor or his/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).

As there is nothing in the record that demonstrates that the individual is the obligor's representative and therefore acting on behalf of a recognized party, [s]he is not authorized to file an appeal. 8 C.F.R. § 103.3(a)(1)(iii)(B). As the appeal was improperly filed, it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. *See* 8 C.F.R. § 103.5a(b).

The regulation at 8 C.F.R. § 103.2(a)(1) provides, in part, that “[e]very application, petition, appeal, motion, request ... shall be executed and filed in accordance with the instructions on the form, such instructions ... being hereby incorporated into the particular section of the regulations in this chapter requiring its submission.” The instructions at item six on the appeal Form I-290B specifically require a signature of this form when the decision is appealed.

The record indicates that the field office director issued the Notice-Immigration Bond Breached on January 12, 2005. It is noted that the field office director properly gave notice to the obligor that it had 33 days to file the appeal. The Form I-290B was initially received by ICE on February 2, 2005; however, it was defective in that it failed to contain a signature. The appeal with signature was received by ICE on February 24, 2005, 43 days after the decision was issued. Accordingly, the appeal was untimely filed.

As the appeal was untimely and improperly filed, the appeal must be rejected.

**ORDER:** The appeal is rejected.