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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS2090  
Washington, D.C. 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CHICAGO

Date:

FEB 01 2010

IN RE:

Obligor:

Bonded Alien:



IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under Section 240B of the  
Immigration and Nationality Act, 8 U.S.C. § 1229c

IN 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.

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 voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Chicago, Illinois, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on July 15, 2009, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before August 14, 2009. On July 21, 2009, the obligor posted a \$500.00 bond conditioned for the above referenced alien. On August 13, 2009, the bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA), which is currently pending. On September 24, 2009, the field office director concluded that the bond had been breached on September 22, 2009.

The Form I-290B, Notice of Appeal, has been signed 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 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).

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

**ORDER:** The appeal is rejected.