



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 16047916

Date: MAR. 09, 2022

Appeal of U.S. Immigration and Customs Enforcement Decision

ICE Form I-352, Immigration Bond

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

The record indicates that the obligor posted a \$10,000 bond conditioned for the delivery of the above referenced foreign national. A Notice to Deliver Alien (Form I-340) dated May 27, 2020 was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded foreign national's surrender into the custody of an officer of Immigration and Customs Enforcement (ICE) on [] 2020, at the Phoenix, Arizona ICE Field Office. The Obligor failed to present the foreign national, and the foreign national failed to appear as required. On September 25, 2020, the director informed the Obligor that the delivery bond had been breached.

The appeal has been filed by []. Only an affected party may file an appeal of an unfavorable decision. 8 C.F.R. § 103.3(a)(2)(i). The "affected party" is "the person or entity with legal standing in a proceeding." 8 C.F.R. § 103.3(a)(1)(iii)(B).

An immigration bond is a contract between ICE and the obligor and co-obligor. The obligor, co-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'l Comm'r 1978). Because she is not the bond's obligor, co-obligor, or their attorney-in-fact, [] is without standing in this proceeding.

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 that has been accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.