



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

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

In Re: 21816810

Date: MAR. 11, 2022

Appeal of U.S. Immigration and Customs Enforcement Decision

ICE Form I-352, Immigration Bond

The delivery bond¹ in this matter was declared breached by the Field Office Director, Detention and Removal, Twin Falls, Idaho, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that the Obligor and Co-Obligor posted a \$5,000 bond conditioned on the delivery of the above referenced Bonded Noncitizen. A Notice to Deliver Alien (Form I-340) dated December 4, 2020 was sent to the Co-Obligor via certified mail, return receipt requested. The notice demanded the Bonded Noncitizen's surrender into the custody of an officer of Immigration and Customs Enforcement (ICE) on [REDACTED] 2021, at the Twin Falls, Idaho ICE Field Office. The Co-Obligor failed to present the Bonded Noncitizen, and the Bonded Noncitizen failed to appear as required. On [REDACTED] 2021, the Director informed the Co-Obligor that the delivery bond had been breached.

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. *See United States v. Minn. Tr. Co.*, 59 F.3d 87, 90 (8th Cir. 1995); *Matter of Allied Fid. Ins. Co.*, 19 I&N Dec. 124, 125 (BIA 1984). The obligor, co-obligor, or an attorney-in-fact is the proper party to appeal the ICE decision to breach the bond. *See Matter of Ins. Co. of N. Am.*, 17 I&N Dec. 251 (Act. Reg'l Comm'r 1978). The current appeal was filed by [REDACTED] [REDACTED] is not the obligor, co-obligor, or an attorney-in-fact in this matter and therefore she is without standing in this proceeding.

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).

¹ With a delivery bond, an obligor secures their promise to deliver a bonded noncitizen by paying a designated amount in cash or its equivalent. 8 C.F.R. § 103.6(d). A breach occurs upon substantial violation of a bond's conditions. 8 C.F.R. § 103.6(e). Conversely, substantial performance of a bond's conditions releases an obligor from liability. 8 C.F.R. § 103.6(c)(3).

ORDER: The appeal is rejected.