

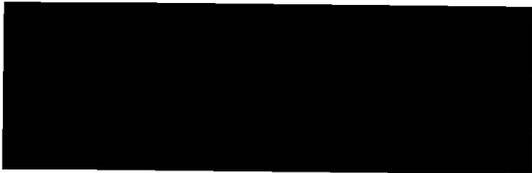
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: COW

Date:

APR 16 2009

IN RE:

Obligor:

Bonded Alien:



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:

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.

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Director, Headquarters, Bonds, Immigration and Customs Enforcement (ICE), and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on May 4, 2004, the obligor posted a \$30,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated April 23, 2008, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of ICE at 10:00 a.m. within five days of May 13, 2008, at the nearest ICE, Detention and Removal Office. The obligor failed to present the alien, and the alien failed to appear as required. On June 23, 2008, the director informed the obligor that the delivery bond had been breached.¹

Every appeal submitted on the form prescribed by this chapter 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 form must be filed with the appropriate filing fee required by § 103.7. 8 C.F.R. § 103.2(a)(1)

The affected party shall file an appeal on Form I-290B. Except as otherwise provided in this chapter, the affected party must pay the fee required by § 103.7 of this part. 8 C.F.R. § 103.3(a)(2)(i).

An application or petition shall be regarded as properly filed when it is signed and executed and the required filing fee is attached or a waiver of the filing fee is granted. 8 C.F.R. § 103.2(a)(7)(i).

A fee relating to an appeal may be waived in any case under ICE jurisdiction in which the obligor or alien is able to substantiate that he or she is unable to pay the prescribed fee. The person seeking a fee waiver must file his or her affidavit, or unsworn declaration made pursuant to 28 U.S.C. § 1746, (1) asking for permission to prosecute without payment of fee of the appeal, or request, and (2) stating his or her belief that he or she is entitled to or deserving of the benefit requested and the reasons for his for her inability to pay. 8 C.F.R. § 103.7(c).

In the instant case, the Form I-290B has been signed by the obligor; however, neither the required fee nor evidence of a fee waiver request was filed with the form.

Accordingly, the appeal will be rejected as it did not meet the regulatory requirements outlined above.

ORDER: The appeal is rejected.

¹ A Form I-391, Notice-Immigration Bond Cancelled, was issued on March 27, 2009.