



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
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Washington, D.C. 20536



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19 JUL 2002

FILE:



Office: Harlingen

Date:

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

IN BEHALF OF OBLIGOR:



Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the District Director, Harlingen, Texas, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The record indicates that on July 2, 2001, the obligor posted a \$7,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated October 16, 2001, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender to the Immigration and Naturalization Service (the Service) for removal at 10:00 a.m. on November 16, 2001, at PISPC, Route 3, Box 341, Los Fresnos, TX 78566. The obligor failed to present the alien, and the alien failed to appear as required. On November 20, 2001, the district director informed the obligor that the delivery bond had been breached.

On appeal, counsel states that the obligor was not provided with advance notice of hearings and orders to appear for removal which substantially interferes with the obligor's ability to monitor the alien and produce him upon receipt of the Form I-340.

The obligor did receive the notice to deliver alien upon which the breach is based. The obligor's assertion that he could not monitor or produce the alien does not overcome the basis for the breach of this bond.

On appeal, counsel further states that the Form I-340 is defective as it requires the bonded alien to report to a mailbox rather than an ascertainable address.

The PISPC has been at the same location, Rt. 3, Los Fresnos, TX 78566, for more than 30 years. The addition or inclusion of a mailbox to the Processing Center's address on the Form I-340 does not confuse the issue but adds greater specificity to its location. Further, there is no evidence in the record to show that the obligor, who regularly has immigration bonds posted for aliens at that location, is unaware of the exact location of the PISPC or has ever contacted the PISPC or the Service for additional information regarding its location.

It is noted that the present record contains evidence that a properly completed questionnaire with the alien's photograph attached was forwarded to the obligor with the notice to surrender pursuant to the Amwest/Reno Settlement Agreement, entered into on June 22, 1995, by the Service and Far West Surety Insurance Company.

Delivery bonds are violated if the obligor fails to cause the bonded alien to be produced or to produce himself/herself to an immigration officer or immigration judge, as specified in the appearance notice, upon each and every written request until removal proceedings are finally terminated, or until the said alien