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U.S. Department of Justice

Immigration and Naturalization Service

106: Typing data deleted to  
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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D. C. 20536



FILE: [Redacted] Office: Boston

Date: JUL 19 2002

IN RE: Obligor: [Redacted]  
Bonded Alien: [Redacted]

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: Self-represented

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, Boston, Massachusetts, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be sustained. The bond will be cancelled.

The record indicates that on August 4, 2000, the obligor, Viviana M. Cifuentes, posted a \$10,000 bond conditioned for the delivery of the above referenced alien. On October 12, 2001, Ms. Cifuentes, signed a Designation of Attorney In Fact (Form I-312) which appointed James Katz as the new obligor. The Form I-312 contains no received date to establish the date of origin at the district office. As such, it cannot be ascertained if said form was in the record of proceedings prior or subsequent to the issuance of the Notice to Deliver Alien.

A Notice to Deliver Alien (Form I-340) dated December 31, 2001, was addressed to [REDACTED] via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of an officer of the Immigration and Naturalization Service (the Service) for removal at 9:00 a.m. on January 29, 2002, at J.F.K. Federal Building, Government Center, Room 1775, Boston, MA 02203. The record fails to contain the certified mail receipt to indicate that the Notice to Deliver Alien was sent to [REDACTED]. Although, on February 13, 2002, the district director informed the newly designated obligor that the delivery bond had been breached, there is no evidence in the record indicating said obligor was sent the required Form I-340.

As the record fails to establish that the Form I-340 was sent to the current obligor, the breach is not valid. Therefore, the district director's decision to breach the bond will be withdrawn.

**ORDER:** The appeal is sustained. The decision declaring the bond breached is withdrawn, and the bond is cancelled.