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U.S. Department of Justice

Immigration and Naturalization Service

PUBLIC COPY

OFFICE OF ADMINISTRATIVE APPEALS
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Washington, D.C. 20536



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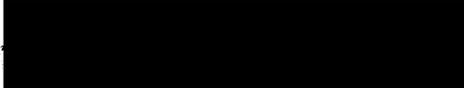
FILE:

Office: Miami

Date:

FEB 27 2003

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:



INSTRUCTIONS:

This is the decision 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.

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 that 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 that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the District Director, Miami, Florida, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on October 7, 1999, the obligor posted a \$3,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated April 1, 2002, was sent to the obligor 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) at 9:00 a.m. on April 30, 2002, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On May 29, 2002, the district director informed the obligor that the delivery bond had been breached.

On appeal, counsel asserts that the immigration judge granted relief in this proceeding on August 30, 2001. Counsel states that the obligor assumes that the relief granted involved a decision not to remove the alien and, therefore, INS lost detention authority over the alien and must cancel the bond.

The record reveals that removal proceedings were held on August 30, 2001, and the alien's application for asylum was pretermitted and his application for withholding of removal was granted.

Withholding of removal is a final order and terminates removal proceedings. Therefore, the district director's decision to breach the bond will be withdrawn, the appeal will be sustained, and the bond will be canceled.

ORDER: The appeal is sustained. The bond is canceled.