

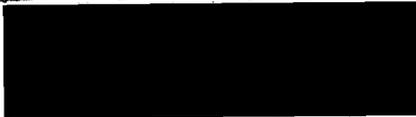


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U.S. Department of Justice  
Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



FILE: [Redacted]

Office: New York

Date: JAN 06 2003

IN RE: Obligor:  
Bonded Alien:



IMMIGRATION BOND: Bond for Release of Alien under Exclusion Proceedings  
under section 103 of the Immigration and Nationality Act,  
8 U.S.C. 1103

IN BEHALF OF OBLIGOR: Self-represented

PUBLIC COPY  
PUBLIC COPY

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.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The exclusion bond in this matter was declared breached by the District Director, New York, New York, and a subsequent appeal was sustained by the Associate Commissioner for Examinations. The matter was reopened by the Associate Commissioner on a Service motion pursuant to 8 C.F.R. 103.5(a)(5)(ii), and the Associate Commissioner notified the obligor of his intention to affirm the decision of the District Director. The obligor failed to respond. The District Director's decision declaring the bond breached will be affirmed.

The record indicates that on January 21, 1992, the obligor posted a \$6,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated June 29, 1999, 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 July 15, 1999, at 26 Federal Plaza, Room 12-110, New York, NY 10278. The obligor failed to present the alien, and the alien failed to appear as required. On August 23, 1999, the district director informed the obligor that the delivery bond had been breached.

The Associate Commissioner sustained the obligor's appeal, finding that the District Director had failed to establish that the Notice to Deliver Alien was properly served on the obligor as the Form 3811, certified mail receipt for said notice was not in the record of proceeding. On motion, the Associate Commissioner has determined that the record establishes that the Notice to Deliver Alien was properly served on the obligor in compliance with 8 C.F.R. 103.5a(a)(2)(iv). The Notice to Deliver Alien was hand-delivered and signed by the obligor.

Based on the documentation in the record, the Associate Commissioner withdraws the previous order sustaining the appeal, and affirms the District Director's decision declaring the bond breached.

**ORDER:** The previous order of the Associate Commissioner sustaining the appeal is withdrawn and the district director's decision declaring the bond breached is affirmed.