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U.S. Department of Homeland Security  
Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
400 Eye Street N.W.  
BCIS, AAO, 20 Mass, 3/F  
Washington, D.C. 20536

[REDACTED]

FILE: [REDACTED]

Office: St. Paul

Date:

JUL 29 2003

IN RE: Obligor:  
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

ON BEHALF OF OBLIGOR:

[REDACTED]

**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 Bureau of Citizenship and Immigration Services (Bureau) 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*

Robert P. Wiemann, Director  
Administrative Appeals Office

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

The record indicates that on August 8, 2002, the obligor posted a \$7,500 bond conditioned for the delivery of the above referenced alien. Although the Notice to Deliver Alien (Form I-340) was dated July 19, 2002, the Certificate of Service indicated on the Form I-340 reveals that said form was sent to the obligor on August 19, 2002 via certified mail, return receipt requested. The notice demanded the bonded alien's surrender to the Immigration and Naturalization Service (INS), now the Bureau of Immigration and Customs Enforcement (BICE), at 9:00 a.m. on August 23, 2002, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On August 27, 2002, the district director informed the obligor that the delivery bond had been breached.

The record fails to contain the domestic return receipt to indicate that the Notice to Deliver Alien dated July 19, 2002 was sent to the obligor's old address at [REDACTED] on August 19, 2002, or to indicate that the obligor had received the notice to produce the bonded alien on or before August 23, 2002.

On appeal, counsel asserts that the obligor did not receive the Form I-340 until August 24, 2002. Counsel further asserts that he and the obligor informed the district office, by telephone, of receipt of the Form I-340 and that the alien would appear at the district office on August 27, 2002.

The record contains a Notice of Custody Determination (Form I-286), which indicates that the bond alien was detained in the custody of the BICE on August 27, 2002.

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.