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**U.S. Citizenship
and Immigration
Services**

91



FILE:



Office: BUFFALO

Date: APR 15 2004

IN RE:

Obligor:



Bonded Alien:

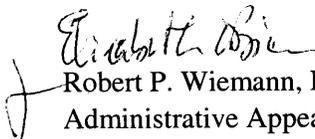
IMMIGRATION BOND:

Bond Conditioned for the Delivery of an Alien under Section 103 of the Immigration and Nationality Act, 8 U.S.C. § 1103

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, Buffalo, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The record indicates that on May 12, 2003, the obligor posted a \$5,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated July 31, 2003, was addressed to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of an officer of Immigration and Customs Enforcement (ICE) at 10:00 a.m. on September 10, 2003, at [REDACTED]. [REDACTED] The obligor failed to present the alien, and the alien failed to appear as required. On September 29, 2003, the field office director informed the obligor that the delivery bond had been breached.

On appeal, the obligor asserts that he did not receive the Notice to Deliver Alien until October 29, 2003.

The record reflects that the Notice to Deliver Alien dated July 31, 2003 was sent to an incorrect address. The notice was sent to 197 Berthier instead of 397 Berthier. As such, the breach is not valid.

ORDER: The appeal is sustained. The field office director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.