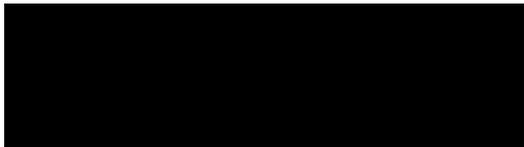


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invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

GI



FILE:



Office: SAN ANTONIO

Date: APR 15 2004

IN RE:

Obligor:  
Bonded Alien



IMMIGRATION BOND:

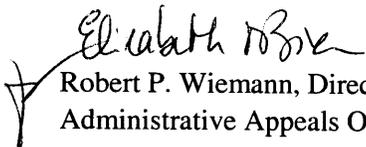
Bond Conditioned for the Delivery of an Alien under Section 103 of the  
Immigration and Nationality Act, 8 U.S.C. § 1103

ON BEHALF OF OBLIGOR:



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, San Antonio, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on November 5, 2002, the obligor posted a \$7,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated May 2, 2003, was issued to the obligor with an incorrect address. The record does not reflect that a corrected Form I-340 was sent to the obligor's address of record prior to the issuance of the Notice-Immigration Bond Breached on June 24, 2003. Consequently, the record fails to establish that the district director properly served notice on the obligor in compliance with 8 C.F.R. § 103.5a(a)(2)(iv).

Because the record fails to establish proper service of the Form I-340 on the obligor as required, the appeal will be sustained. The district director's decision declaring the bond breached will be rescinded and the bond will be continued in full force and effect.

**ORDER:** The appeal is sustained. The district director's decision declaring the bond breached is withdrawn and the bond is continued in full force and effect.