



U.S. Citizenship
and Immigration
Services

G1

[Redacted]

FILE:

[Redacted]

Office: HARLINGEN

Date:

APR 28 2004

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]

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identifying data deleted to
prevent unauthorized
invasion of personal privacy

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

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, Harlingen, Texas. A subsequent appeal was summarily dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be dismissed. The order dismissing the appeal will be affirmed.

The record indicates that on March 28, 2001, the obligor posted a \$3,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated July 10, 2003, 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 Immigration and Customs Enforcement (ICE) at 10:00 a.m. on August 7, 2003, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On August 12, 2003, the field office director informed the obligor that the delivery bond had been breached.

Pursuant to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence.

Pursuant to 8 C.F.R. § 103.5(a)(3), a motion to reconsider must state the reasons for reconsideration; and be supported by any pertinent precedent decisions.

Pursuant to 8 C.F.R. § 103.5(a)(4), a motion that does not meet applicable requirements shall be dismissed.

On motion, counsel asserts that the bonded alien's application for adjustment of status under section 245 of the Immigration and Nationality Act was granted on October 9, 2002. Counsel's assertion, however, is not substantiated by any independent, documentary evidence. Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. See Matter of Treasure Craft of California, 14 I&N Dec. 190 (Reg. Comm. 1972). It is noted that the alien's case was administratively closed by the immigration judge on October 9, 2002. Administrative closing of a case does not result in a final order. It is merely an administrative convenience which allows the removal of cases from the calendar in appropriate situations. *See Matter of Gutierrez-Lopez*, 21 I&N Dec. 479 (BIA 1996).

Counsel has failed to provide the new facts to be proved. After a careful review of the record, it is concluded that the conditions of the bond have been substantially violated, and the collateral has been forfeited. The motion will be dismissed, and the order dismissing the appeal will be affirmed.

ORDER: The motion is dismissed. The order of January 13, 2004, dismissing the appeal is affirmed.