U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

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FEB 06 2004

FILE: [redacted] Office: WASHINGTON Date:

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 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.

Marie Johnson
for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the District Director, Washington, DC, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The record indicates that on November 29, 2001, the obligor posted a $2,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated March 28, 2003 was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender to the Immigration and Naturalization Service (legacy INS), now Immigration and Customs Enforcement (ICE), at 10:30 a.m. on May 13, 2003, at [redacted] The obligor failed to present the alien, and the alien failed to appear as required. On June 23, 2003, the district director informed the obligor that the delivery bond had been breached.

Counsel makes several arguments on appeal, including that the director failed to attach a properly completed questionnaire and photograph to the Form I-340 as required by the Amwest/Reno Settlement Agreement entered into on June 22, 1995 by the legacy INS and Far West Surety Insurance Company; that ICE cannot enforce the terms of the Form I-352 because "its terms constitute regulations, and the INS [now ICE] did not submit it to Congress for review as required by the Congressional Review Act" (CRA), 5 U.S.C. § 801, *et seq.*, and that with the immigration court's grant of the alien's request for voluntary departure on August 14, 2002, ICE lost detention authority thus requiring cancellation of the bond.

The record reflects that, subsequent to this appeal, the district director rescinded the bond breach on July 23, 2003 and cancelled the bond on December 8, 2003. Therefore, the arguments counsel raises on appeal are moot, and the appeal will be dismissed.

ORDER: The appeal is dismissed.