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U.S. Citizenship
and Immigration
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GI

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FEB 24 2004

FILE:



Office: MIAMI

Date:

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 District Director, Miami, Florida, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on July 2, 1999, the obligor posted a \$10,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated December 19, 2002, 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 the Immigration and Naturalization Service (legacy INS), now Immigration and Customs Enforcement (ICE), at 9:00 a.m. on January 10, 2003, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On February 13, 2003, the district director informed the obligor that the delivery bond had been breached.

The Notice-Immigration Bond Breached dated February 13, 2003 was issued for a Form I-340 dated November 1, 2002 with a surrender date of January 31, 2003. The Form I-340 dated December 19, 2002 supersedes all prior demands. As such, the breach is not valid.

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 The district director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.