

PUBLIC COPY

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



U.S. Citizenship
and Immigration
Services

GI

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

[REDACTED]

FILE: [REDACTED] Office: HOUSTON Date: FEB 24 2004

IN RE: Obligor: [REDACTED]
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.

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

The record indicates that on September 12, 1997, 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 May 2, 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 the Immigration and Naturalization Service (legacy INS), now Immigration and Customs Enforcement (ICE), at 9:00 a.m. on July 3, 2003, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On July 5, 2003, the field office director informed the obligor that the delivery bond had been breached.

The record reflects that a removal hearing was held on September 26, 2000, and the alien was granted voluntary departure from the United States on or before November 25, 2000, with an alternate order of removal to take effect in the event that the alien failed to depart as required. The court ordered the alien to post a \$500.00 voluntary departure bond within five business days. On October 2, 2000, the alien posted a \$500.00 conditioned to insure her voluntary departure.

The delivery bond was replaced by a voluntary departure bond to ensure the alien's departure. Therefore, the field office director's decision to breach the delivery bond will be withdrawn, the appeal will be sustained, and the delivery bond will be canceled.

ORDER: The appeal is sustained. The bond is canceled.