

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

GW
JUN 01 2004

[Redacted]

FILE: [Redacted]

Office: SAN ANTONIO

Date:

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

The record indicates that on February 28, 2003, 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 November 17, 2003, was sent to the co-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 9:00 a.m. on December 29, 2003, at [REDACTED] the obligor failed to present the alien, and the alien failed to appear as required. On January 7, 2004, the field office director informed the co-obligor that the delivery bond had been breached.

On appeal, counsel states that ICE ignored the language in Exhibit G of the Amwest/Reno Settlement Agreement entered into on June 22, 1995 by the legacy INS and Far West Surety Insurance Company requiring the director to state a correct purpose on the Form I-340. Counsel asserts that a correct statement of purpose can only be satisfied by a statement of a single correct purpose.

The record reflects that a removal hearing was held on September 17, 2003 and the alien was ordered removed from the United States in absentia. The record also reflects that the Form I-340 requests the surrender of the alien for service of a Notice to Appear (NTA).

Exhibit G of the Amwest/Reno Settlement Agreement requires that the director state a correct purpose on the Form I-340. As the alien has a final order of removal, surrender for service of the NTA is an incorrect statement of purpose.

Based on the provisions of the Settlement Agreement and the fact that the Form I-340 did not state a correct purpose, the appeal will be sustained. The field office 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 field office director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.