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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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03 2004

FILE: [Redacted]

Office: HARLINGEN

Date:

IN RE: Obligor: [Redacted]  
Bonded Alien: [Redacted]

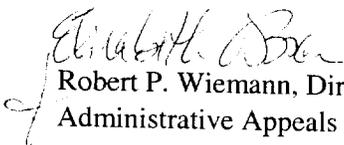
IMMIGRATION BOND: Bond Conditioned for the Delivery of an Alien under Section 103 of the Immigration and Nationality Act, 8 U.S.C. § 1103

ON BEHALF OF OBLIGOR:



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 Field Office Director, Detention and Removal, Harlingen, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be remanded.

The record indicates that on January 7, 2003, 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 20, 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 10:00 a.m. on June 20, 2003, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On June 26, 2003, the field office director informed the obligor that the delivery bond had been breached.

The regulation at 8 C.F.R. § 103.3(a)(2)(i) states: "The affected party shall file the complete appeal including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision."

The regulations at 8 C.F.R. § 103.3(a)(2)(ii) states: "The official who made the unfavorable decision being appealed shall review the appeal unless the affected party moves to a new jurisdiction."

The obligor filed its appeal of the decision by the Field Office Director, Harlingen with the Field Office Director, Washington, D.C., which accepted the fee and the appeal. As the appeal was not filed with the office rendering the unfavorable decision, the case will be remanded to the field office director of the Washington D.C. Office for onward transmission to the Harlingen Field Office to review the appeal and to prepare the record of proceeding for appeal if warranted.

**ORDER:** The appeal is remanded.