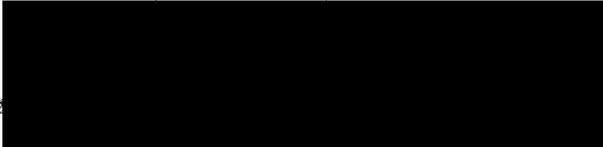


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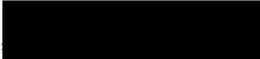
U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy



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FILE:



Office: ST. PAUL

Date:

JUN 9 2004

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Obligor:
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IMMIGRATION BOND:

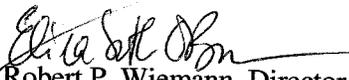
Bond Conditioned for the Delivery of an Alien under Section 103 of the
Immigration and Nationality Act, 8 U.S.C. § 1103

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, St. Paul, Minnesota, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on June 6, 2000, 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 September 19, 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 Immigration and Customs Enforcement (ICE) at 9:00 a.m. on October 20, 2003. [REDACTED] obligor failed to present the alien, and the alien failed to appear as required.

On appeal, counsel argues that the obligor has no record of having received the Notice to Deliver Alien requiring the alien's surrender on June 12, 2001. Counsel's argument is moot as the issuance of the Notice to Deliver Alien dated September 19, 2003 supersedes all prior demands.

The record contains a Notice-Immigration Bond Breached dated August 13, 2003, which relates to a Notice to Deliver Alien that previously demanded the bonded alien's surrender on June 12, 2001. The record, however, fails to contain a Notice-Immigration Bond Breached for the Form I-340, which demanded the alien's surrender on October 20, 2003. As such the breach is not valid.

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.