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U.S. Citizenship
and Immigration
Services

GI



FILE:



Office: EL PASO

Date: JUN 28 2004

IN RE:

Obligor:
Bonded Alien



IMMIGRATION BOND:

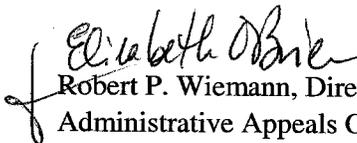
Bond Conditioned for the Delivery of an Alien under Section 103 of the
Immigration and Nationality Act, 8 U.S.C. § 1103

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, El Paso, Texas. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be denied. The order dismissing the appeal will be affirmed.

The record indicates that on October 3, 2001, 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 May 22, 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 3:00 p.m. on May 30, 2002. [REDACTED] the obligor failed to present the alien, and the alien failed to appear as required. On June 5, 2002, the district director informed the obligor that the delivery bond had been breached.

On motion, counsel argues that the Form I-340 was not timely served and that the *International Fidelity Insurance Company v. Crosland*, 516 F. Supp 1249 (S.D.NY 1981) case is no longer applicable.

Pursuant to 8 C.F.R. § 103.5(a)(2), a motion to reopen must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence.

Pursuant to 8 C.F.R. § 103.5(a)(3), a motion to reconsider must state the reasons for reconsideration, and be supported by any pertinent precedent decisions.

Pursuant to 8 C.F.R. § 103.5(a)(4), a motion that does not meet applicable requirements shall be dismissed.

It must be noted that delivery bonds are exacted to insure that aliens will be produced when and where required by the Service for hearings or removal. Such bonds are necessary in order for the Service to function in an orderly manner. The courts have long considered the confusion which would result if aliens could be surrendered at any time or place it suited the alien's or the surety's convenience. *Matter of L-*, 3 I&N Dec. 862 (C.O. 1950).

After a careful review of the record, it is concluded that the issue presented on motion was thoroughly addressed on appeal. Counsel's argument fails to contain new facts to be proved and fails to cite precedent decisions supporting a motion to reopen. The obligor has failed to produce the alien or to indicate that it could or would have produced him given more notice. Therefore, the motion will be dismissed, and the order dismissing the appeal will be affirmed.

ORDER: The motion is dismissed. The order of September 11, 2002 dismissing the appeal is affirmed.