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Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

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GI



FILE: [REDACTED] Office: SAN ANTONIO Date: MAR 01 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, Director  
Administrative Appeals Office

**DISCUSSION:** The delivery bond in this matter was declared breached by the District Director, San Antonio, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on October 25, 2002, 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 January 3, 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 10:00 a.m. on February 14, 2003, at [REDACTED]

[REDACTED] The obligor failed to present the alien, and the alien failed to appear as required. On March 6, 2003, the district director informed the obligor that the delivery bond had been breached.

The Form I-323 dated March 6, 2003, indicates that the obligor failed to produce a individual named "Rivera-Flamenco, Osmar" which, in this case, is not the bonded alien's name or alias. As such, the breach is not valid.

**ORDER:** The appeal is sustained. The district director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.