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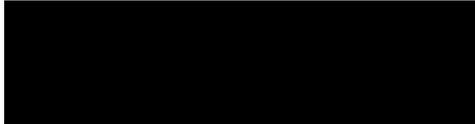
U.S. Department of Homeland Security
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Washington, DC 20536

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U.S. Citizenship
and Immigration
Services

GI



FILE:



Office: SAN ANTONIO

Date: **MAR 01 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.

Mari Johnson

RS

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 June 6, 2002, the obligor posted a \$10,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated October 5, 2002, was sent to the co-obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender to the Immigration and Naturalization Service (legacy INS), now Immigration and Customs Enforcement (ICE), on November 25, 2002, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On January 11, 2003, the district director informed the co-obligor that the delivery bond had been breached.

On appeal, counsel asserts that 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 requires the director to state a correct purpose on the Form I-340.

The Settlement Agreement requires the Form I-340 to state the correct purpose for which the alien is to be produced. The evidence reflects that the obligor was required "to interview such alien(s) for custody" at the time and place specified in the notice. However, this statement of purpose is unclear, does not reflect the correct purpose for which the alien is to be produced, and therefore does not meet the requirement of the Settlement Agreement.

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 district 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 district director's decision declaring the bond breached is rescinded and the bond is continued in full force and effect.