U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: HARLINGEN Date: MAY 14 2004

IN RE: Obligor:
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]

Prevent clearly unwarranted invasion of personal privacy

PUBLIC COPY

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.

Elizabeth O'Brien
Robert P. Wiemann, Director
Administrative Appeals Office

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

The record indicates that on December 10, 2002, the obligor posted a $5,000 bond conditioned for the delivery of the above referenced alien. On June 20, 2003, the district 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 regulation 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 District 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.