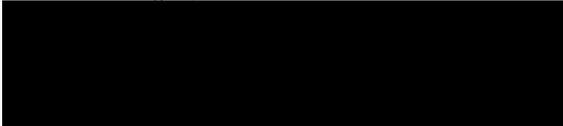


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prevent clearly unwarranted
invasion of personal privacy**



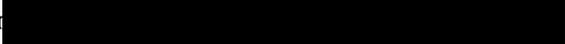
**U.S. Citizenship
and Immigration
Services**

PUBLIC COPY



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FILE:  Office: SAN ANTONIO Date: **MAR 07 2005**

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: Self-represented

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

S Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the District Director, San Antonio, Texas. A subsequent appeal was summarily dismissed by the Administrative Appeals Office (AAO). The matter is before the AAO on a motion to reopen. The motion will be dismissed, and the order dismissing the appeal will be affirmed.

The record indicates that August 26, 2002, 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 February 25, 2003, was sent via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of an officer of the legacy Immigration and Naturalization Service, now Immigration and Customs Enforcement (ICE), at 10:00 a.m. on April 14, 2003, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On June 18, 2003, the district director informed the obligor that the delivery bond had been breached.

The regulation at 8 C.F.R. § 103.5(a)(1)(i) requires that a motion to reopen a proceeding or reconsider must be filed within 30 days of the underlying decision, and that a motion to reopen must be filed within 30 days except that failure to file a motion to reopen during this period may be excused when the obligor has demonstrated that the delay was reasonable and beyond the control of the obligor.

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

The AAO rendered its decision on October 30, 2003. This motion, dated December 2, 2003, was received by the San Antonio District Office on December 11, 2003, 42 days after the date of the AAO's decision. The obligor has not set forth any reason for the delay. The motion is untimely.

ORDER: The motion is dismissed. The order of October 30, 2003, dismissing the appeal is affirmed.