

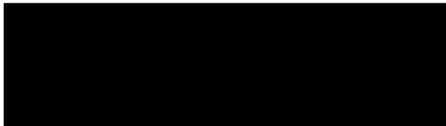


U.S. Citizenship
and Immigration
Services

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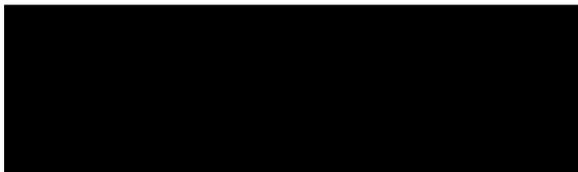


FILE: [REDACTED] Office: MIAMI Date: JUL 19 2007

IN RE: Obligor: [REDACTED]
Bonded Alien: [REDACTED]

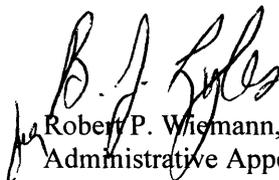
IMMIGRATION BOND: Bond Conditioned for the Delivery of an Alien under Section 103 of the
Immigration and Nationality Act, 8 U.S.C. § 1103

ON BEHALF OF OBLIGOR:



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, Chief
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, Miami, Florida. An appeal was dismissed by the Administrative Appeals Office (AAO). A subsequent motion to reopen was rejected by the AAO pursuant to 8 C.F.R. § 103.2(a)(7)(i). The matter is now before the AAO on a motion to reconsider. The motion will be dismissed.

The record indicates that on April 4, 1994, 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 June 6, 2005, 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 Immigration and Customs Enforcement (ICE) at 9:00 a.m. on June 23, 2003, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On August 18, 2005, the field office director informed the obligor that the delivery bond had been breached.

The AAO dismissed the obligor's appeal of the denial of the bond breach on November 7, 2006, and rejected a motion to reopen on March 29, 2006 because the obligor failed to file the proper fee. The obligor filed the current motion to reconsider on April 7, 2006. On motion, counsel asserts that he takes full responsibility for the improper filing of the motion to reopen as it was the first time he filed a motion since the new fee was in effect. Counsel asserts that the fee increase was only in effect for a little over two months while the old fee schedule was in effect for over 20 years. Counsel states that ICE should have returned the check as improper and not have accepted the motion.

A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Immigration and Customs Enforcement (ICE) policy. A motion to reconsider a decision on an application must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

The regulation at 8 C.F.R. § 103.5(a)(4) states, "[a] motion that does not meet applicable requirements shall be dismissed." As counsel failed to cite any precedent decisions in support of its motion to reconsider, the obligor's motion will be dismissed. The previous decisions of the field office director and the AAO will not be disturbed.

ORDER: The motion is dismissed.