



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEW YORK Date:

07 2007

IN RE:

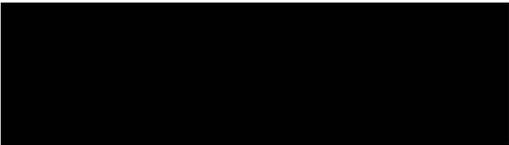
Obligor:
Bonded Alien:



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.

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, New York, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on September 4, 2003, 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 October 27, 2006, 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 November 28, 2006, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On January 25, 2007, the field office director informed the obligor that the delivery bond had been breached.

On appeal, counsel asserts that the bond should have been canceled once ICE lost its appeal before the Board of Immigration Appeals (BIA) of the immigration judge's (IJ) decision to grant the bonded alien relief in the form of withholding of removal. Counsel asserts that the alien was informed in October 2004 that the Order of Supervision had been closed out.

The record reflects that a removal hearing was held on August 6, 2003 and the alien's application for withholding of removal was granted pursuant to section 241(b)(3)(a) of the Immigration and Nationality Act, 8 U.S.C. § 1231. The Department of Homeland Security appealed the IJ's decision to the BIA. On November 25, 2003, the BIA dismissed the appeal put forth by the government. There is no evidence that any motion was filed following the BIA's decision.

The Immigration Bond, Form I-352 provides that the obligor's duty to produce the alien terminates when removal proceedings in the alien's case are finally terminated. The bond breach in this case occurred over three years after the BIA terminated removal proceedings against the alien. The breach was thus in error and will be withdrawn. As the obligor has no further obligation to produce the alien, the delivery bond will be canceled.

ORDER: The appeal is sustained. The field office director's decision declaring the bond breached is withdrawn. The bond is canceled.