

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

GI

[REDACTED]

FILE:

[REDACTED]

Office: MIAMI

Date:

OCT 10 2007

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]

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

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. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be dismissed. The order dismissing the appeal will be affirmed.

The record indicates that on July 9, 2002, the obligor posted a \$15,000 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 27, 2006, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On November 29, 2006, the field office 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 reconsider an action must be filed within 30 days of the underlying decision, except that failure to file 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)(1)(iii)(B), a motion to reconsider must be accompanied by a nonrefundable fee as set forth in 8 C.F.R. § 103.7.

The AAO rendered its decision on March 6, 2007. On March 13, 2007, counsel's motion to reconsider was received by the Miami District Office; however it was not accompanied by the required fee. Counsel's motion with the required fee was received by the Miami District Office on June 19, 2007, 109 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 March 6, 2007, dismissing the appeal is affirmed.