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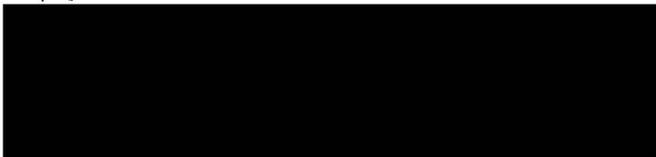
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: BUFFALO (HAR)

Date: JUL 08 2008

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.

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

The record indicates that on June 11, 2007, the obligor posted a \$15,000 bond conditioned for the delivery of the above referenced alien. The Form I-323 dated March 27, 2008, indicates that the bond was breached on March 27, 2008, as the obligor had failed to establish that the alien made a timely departure on or before December 8, 2007. The record, however, does not indicate that a Form I-340, Notice to Deliver Alien, was issued prior to bond being breached.

As the record fails to contain any evidence of a Notice to Deliver Alien demanding that the obligor deliver the bonded alien, the breach is not valid. The field director's decision declaring the bond breached will be rescinded and the bond will be continued in full force and effect.

**ORDER:** The appeal is sustained. The field office director's decision declaring the bond breached is withdrawn and the bond is continued in full force and effect.