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U.S. Citizenship
and Immigration
Services

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FILE:



Office: PHOENIX (LVG)

Date: **SEP 10 2008**

IN RE:

Obligor:

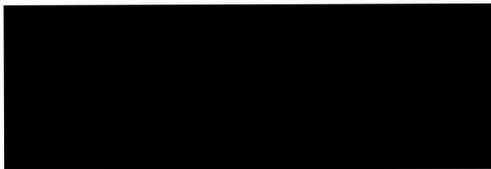
Bonded Alien:



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:



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

The record indicates that on December 21, 2005, 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 January 8, 2008, was addressed 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 January 31, 2008, at 3373 Pepper Lane, Las Vegas, NV 89120. The obligor failed to present the alien, and the alien failed to appear as required. On February 19, 2008, the field office director informed the obligor that the delivery bond had been breached.

On motion, counsel asserts that on June 13, 2008, the obligor filed a motion to reconsider the decision of the AAO dismissing the appeal with a motion for leave to file a late brief and affidavit from obligor. Counsel asserts that the "obligor has been requested to file another Form I-290 Notice of Appeal or Motion with the MOTION TO RECONSIDER."

The regulation at 8 C.F.R. § 103.5(a)(1)(iii) provides that the filing requirement for a motion shall be submitted on Form I-290B and may be accompanied by a brief.

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.

In filing his motion on June 13, 2008, the obligor did not submit it on the required Form I-290B. The AAO rendered its decision on May 15, 2008. This motion on the required Form I-290B, dated June 17, 2008, was received by the Las Vegas Field Office on June 19, 2008, 35 after the date of the AAO's decision. The motion is untimely.

ORDER: The motion is dismissed. The order of May 15, 2008, dismissing the appeal is affirmed.