**U.S. Department of Homeland Security**
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U.S. Citizenship and Immigration Services

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JAN 12 2005

FILE: [redacted] Office: NEW ORLEANS (MEM) Date:

IN RE: Obligor: [redacted]
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:

[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.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

**DISCUSSION:** The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, New Orleans, Louisiana. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen and reconsider. The motion will be dismissed.

The Form I-352 provides that the obligor and co-obligor are jointly and severally liable for the obligations imposed by the bond contract. As such, ICE may pursue a breach of bond against one or both of the contracting parties. *See Restatement (Third) of Suretyship and Guaranty* § 50 (1996). Reference in this decision to the obligor is equally applicable to the co-obligor and vice versa.

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2),

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 Citizenship and Immigration Services (CIS) policy. 8 C.F.R. § 103.5(a)(3).

On motion, counsel revisits the issue raised on appeal regarding ICE's failure to give the requisite notice and the questionnaire to the obligors.

The regulation at 8 C.F.R. § 103.5(a)(4) states, "[a] motion that does not meet applicable requirements shall be dismissed." The issue raised by counsel on motion was thoroughly addressed on appeal. As counsel failed to cite any precedent decisions or new facts in support of his motion to reopen and reconsider, the motion will be dismissed. The previous decisions of the field office field office director and the AAO will not be disturbed.

**ORDER:** The motion is dismissed.