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U.S. Citizenship  
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FILE:



Office: DALLAS

Date: AUG 30 2005

IN RE:

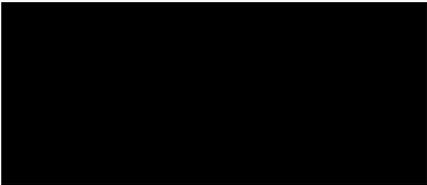
Obligor:  
Bonded Alien:



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.

*Mari Johnson*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The delivery bond in this matter was declared breached by the District Director, Dallas, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on June 14, 2001, 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 September 12, 2001, 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 the Immigration and Naturalization Service (legacy INS), now Immigration and Customs and Enforcement (ICE), at 8:00 a.m. on October 15, 2001, at 8101 N. Stemmons Freeway, Dallas, TX 75247. The obligor failed to present the alien, and the alien failed to appear as required. On April 29 2002, the district director informed the obligor that the delivery bond had been breached.

Counsel argues that the service of the Form I-323 was untimely as it was issued over 180 days after the breach date. Counsel asserts that the breach is stale and unenforceable pursuant to the Settlement Agreement.

Part 9 of the Settlement Agreement entered into on June 22, 1995 by the legacy INS and Amwest Surety Insurance Company states:

INS agrees that no Form I-323, Notice - Immigration Bond Breached, shall be sent to the obligor more than 180 days following the date of the breach. If the I-323 is not sent to the obligor within 180 days following the date of the breach, then the declared breach shall be stale and unenforceable against the obligor.

As noted previously, the record indicates that the Form I-323, Notice - Immigration Bond Breached, was sent to the obligor on April 29, 2002,. This notice was sent to the obligor based upon the obligor's failure to produce the bonded alien on October 15, 2001.

As the district director delayed notification of the bond breach in violation of the conditions of the aforementioned Settlement Agreement, the breach is not valid. The appeal is sustained and the bond will be continued in full force and effect.

**ORDER:** The appeal is sustained. The bond will be continued in full force and effect.