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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

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U.S. Citizenship
and Immigration
Services



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FILE:  Office: HOUSTON Date: JUN 02 2009

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

IN 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.

John F. Grissom
Acting Chief, Administrative Appeals Office

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

The record indicates that on November 20, 2007 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 October 17, 2008, 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 25, 2008, at 126 Northpoint Drive, Houston, TX 77060. The obligor failed to present the alien, and the alien failed to appear as required. On January 16, 2009, the field office director informed the obligor that the delivery bond had been breached.

On appeal, counsel asserts that the bonded alien voluntarily departed the United States on September 4, 2008. As evidence, counsel provides a photocopied Form G-146, Nonimmigrant Checkout Letter, which confirms the alien's September 4, 2008 departure from the United States. The original Form G-146 has been received through official channels.

The record reflects that a removal hearing was held on May 14, 2008, and the alien was granted voluntary departure from the United States on or before September 11, 2008. As ordered, the alien provided travel documentation sufficient to assure a lawful entry into the country to which he was departing.

Based on the documentation presented on appeal along with ICE records establishing that the bonded alien timely departed the United States, the field office director's decision to breach the bond will be withdrawn, and the bond will be canceled.

ORDER: The appeal is sustained. The field office director's decision declaring the bond breached is withdrawn and the bond will be canceled.