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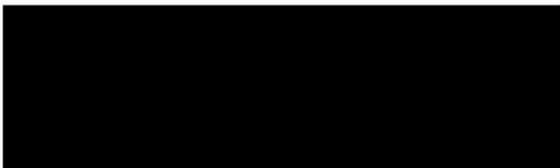
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: SAN ANTONIO

Date: OCT 30 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

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

The record indicates that on May 16, 2008, the obligor posted a \$1,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated March 3, 2009, 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 10:00 a.m. on April 8, 2009, at 8940 Fourwinds Drive, San Antonio, TX 78239. The obligor failed to present the alien, and the alien failed to appear as required. On May 11, 2009, the field office director informed the obligor that the delivery bond had been breached.

The record reflects that on June 19, 2009, the field office director issued a notice to the obligor, which informed the obligor that the Form I-323, Notice-Immigration Bond Breached, had been rescinded and the delivery bond was reinstated and would continue in full force. Therefore, the issues raised on appeal by counsel are moot.

Counsel requests that the appeal fee be refunded as the issuance of the breach notice was issued in error by ICE.¹ The AAO's jurisdiction in this matter is limited to the question of whether or not a bond breach has occurred (as in effect on February 28, 2004 and under delegation of authority by the Associate Commissioner for Examinations). As the bond breach in this matter has been rescinded, the sole issue before the AAO on appeal is moot.

ORDER: The appeal is dismissed.

¹ The alien had filed a timely appeal before the Board of Immigration Appeals.