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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



**U.S. Citizenship  
and Immigration  
Services**



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DATE: **APR 13 2011**

Office: DETROIT

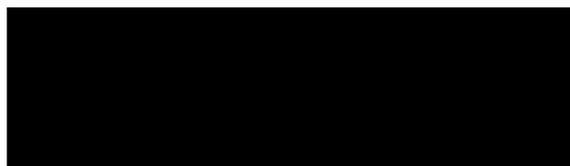
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IN RE: Obligor:  
Bonded Alien:



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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, Detroit, Michigan, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The record indicates that on July 14, 2008, the obligor posted a \$3,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated October 2, 2009, 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 10:00 a.m. on October 21, 2009, at 260 Mt. Elliott, Detroit, MI 48207. The obligor failed to present the alien, and the alien failed to appear as required. On October 22, 2009, the field office director informed the obligor that the delivery bond had been breached.

On appeal, counsel for the obligor asserts that the bonded alien was granted voluntary departure and he departed the United States on February 16, 2009. As evidence, counsel submits a photocopy of the immigration judge's (IJ) order dated January 21, 2009, that granted the alien voluntary departure from the United States on or before February 20, 2009, and a photocopy of a verification of departure document, signed by a representative of the United States Consulate in Matamoros, Mexico. The IJ's order contains a single fingerprint of the alien along with a U.S. immigration stamp dated "Feb 16" and the name and badge identification number of a Customs and Border Patrol Officer.

The authenticity of the U.S. immigration stamp and the handwritten notations on the IJ's order has been verified, and the alien's departure has been verified by ICE through its indices. As the 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.