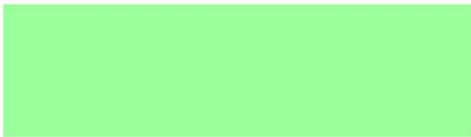




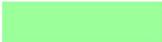
U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: DEC 03 2014

Office: SEATTLE

FILE: 

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

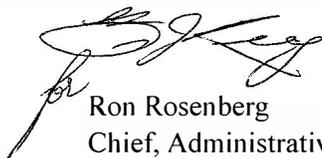
ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,



Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, [REDACTED] Washington, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on July 9, 2010, the obligor posted a \$5,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated August 1, 2013, was sent to the obligor via delivery confirmation mail. The notice demanded the bonded alien's appearance for an interview before an officer of Immigration and Customs Enforcement (ICE) at 9:00 a.m. on September 4, 2013 at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On October 4, 2013, the field office director informed the co-obligor that the delivery bond had been breached.

On appeal, the obligor asserts that the bonded alien could not be delivered to ICE on September 4, 2013 as he was in the hospital, and that upon discharge from the hospital the alien was not fit to travel. The obligor provides copies of the bonded alien's hospital bracelet and discharge papers, which indicate that he was admitted to the hospital on August 8, 2013, and was discharged on August 10, 2013.

The bonded alien was discharged from the hospital 23 days prior to his appearance before ICE. The record, however, does not reflect that the obligor had informed ICE of the alien's inability to appear on September 4, 2013, and no independent objective evidence has been provided to support the obligor's assertion that the bonded alien was not fit to travel.

The field office director properly exercised his authority by directing the obligor to produce the bonded alien. The obligor is not relieved of its responsibility to deliver the bonded alien at the time and place specified in the field office director's demand notice as said director may call the alien in for custodial determination at any time. The obligor is bound by the terms of the contract to which he obligated himself. The terms of the Form I-352 for bonds conditioned upon the delivery of the alien establish the following condition: "the obligor shall cause the alien to be produced or to produce himself/herself . . . upon each and every written request until *exclusion/deportation/removal proceedings* . . . are finally terminated." (Emphasis added). Thus, the obligor is bound to deliver the alien by the express terms of the bond contract until either exclusion, deportation or removal proceedings are finally terminated, or one of the other conditions occurs.

Delivery bonds are violated if the obligor fails to cause the bonded alien to be produced or to produce himself/herself to an immigration officer or immigration judge upon each and every written request until removal proceedings are finally terminated, or until the alien is actually accepted by the immigration officer for detention or removal. *Matter of Smith*, 16 I&N Dec. 146 (Reg. Comm. 1977).

The regulations provide that an obligor shall be released from liability where there has been "substantial performance" of all conditions imposed by the terms of the bond. 8 C.F.R. §

103.6(c)(3). A bond is breached when there has been a substantial violation of the stipulated conditions of the bond. 8 C.F.R. § 103.6(e).

8 C.F.R. § 103.8(a)(2) provides that personal service may be effected by any of the following:

- (i) Delivery of a copy personally;
- (ii) Delivery of a copy at a person's dwelling house or usual place of abode by leaving it with some person of suitable age and discretion;
- (iii) Delivery of a copy at the office of an attorney or other person including a corporation, by leaving it with a person in charge;
- (iv) Mailing a copy by certified or registered mail, return receipt requested, addressed to a person at his last known address.
- (v) If so requested by a party, advising the party by electronic mail and posting the decision to the party's USCIS account.

The evidence of record indicates that the Notice to Deliver Alien dated August 1, 2013 was sent to the obligor at [REDACTED] via U.S. Postal Service delivery confirmation. This notice demanded that the obligor produce the bonded alien on September 4, 2013. Although the record does not contain a delivery confirmation receipt, the obligor concedes receipt of the Form I-340 on appeal. Consequently, the record clearly establishes that the notice was properly served on the obligor in compliance with 8 C.F.R. § 103.8(a)(2).

It is clear from the language used in the bond agreement that the obligor shall cause the alien to be produced or the alien shall produce himself to an ICE officer upon each and every request of such officer until removal proceedings are either finally terminated or the alien is accepted by ICE for detention or removal.

It must be noted that delivery bonds are exacted to ensure that aliens will be produced when and where required by ICE for hearings or removal. Such bonds are necessary in order for ICE to function in an orderly manner. The courts have long considered the confusion which would result if aliens could be surrendered at any time or place it suited the alien's or the surety's convenience. *Matter of L-*, 3 I&N Dec. 862 (C.O. 1950).

After a careful review of the record, it is concluded that the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the field office director will not be disturbed.

**ORDER:** The appeal is dismissed.