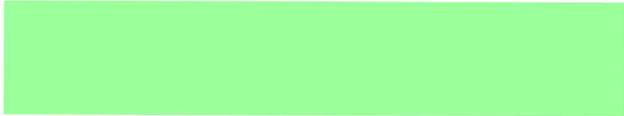




U.S. Citizenship
and Immigration
Services

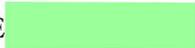
(b)(6)



DATE: JUL 25 2014

Office: HOUSTON

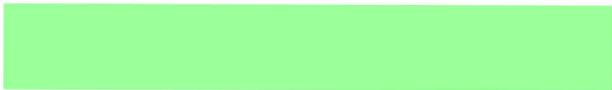
FILE



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:



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. .

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] Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on October 19, 2011, 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 January 21, 2014, 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 February 27, 2014, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On March 28, 2014, the field office director informed the obligor that the delivery bond had been breached.

On appeal, counsel for the obligor asserts that the bond should have been automatically cancelled prior to the breach as the bonded alien passed away on January 8, 2014. As evidence, counsel submits a photocopy of a death certificate from the Texas Department of State Health Service, Vital Statistics Unit, which indicates the bonded alien's date of death actual or presumed as January 8, 2014.

The decision of the field office director to breach the bond was not in error as the record contains no evidence and counsel has not provided any evidence on appeal indicating that the obligor made ICE aware of the alien's death prior to the issuance of either the Notice to Deliver Alien or the breach notice.

As the bonded alien's death occurred prior to the surrender date of February 27, 2014, the field office director's decision to breach the bond will be withdrawn. However, prior to the cancellation of the bond, the field office director shall verify the authenticity of the death certificate as it was not certified to be a true copy.

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