



U.S. Citizenship
and Immigration
Services

(b)(6)

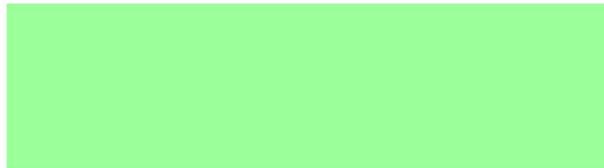
DATE: FEB 12 2015

Office: HOUSTON

FILE: [REDACTED]

IN RE:

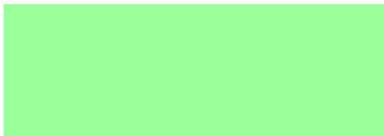
Obligor:
Bonded Alien:



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,

A handwritten signature in black ink, appearing to read "Michael Rosenberg", is written over the typed name.

Ron Rosenberg
Chief, Administrative Appeals Office

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

The record indicates that on November 12, 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 4, 2014, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of Immigration and Customs Enforcement (ICE) at 9:00 a.m. on September 12, 2014, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On September 19, 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 September 5, 2014. As evidence, counsel submits a certified 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 September 5, 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 the breach notice.

Nevertheless, as the bonded alien's death occurred prior to the surrender date of September 12, 2014, the field office director's decision to breach the bond will be rescinded.

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 The field office director's decision declaring the bond breached is rescinded.