



U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: JUN 19 2015

Office: PHOENIX, AZ

FILE: 

IN RE:

Obligor:

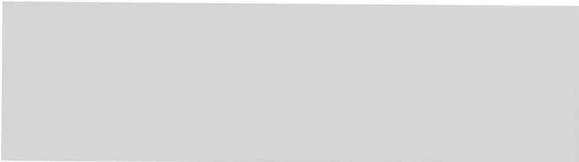
Bonded Alien:



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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Enforcement and Removal Operations, Phoenix, Arizona, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that on May 22, 2009, the obligor posted a \$10,000 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated August 21, 2014, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's appearance for an interview before Immigration and Customs Enforcement (ICE) at 9:00 a.m. on September 5, 2014, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On September 9, 2014, the field office director informed the obligor that the delivery bond had been breached.

On appeal, counsel asserts that ICE was aware that the bonded alien was detained as it had placed a detainer on the bonded alien in May 2013. Counsel states that the Notice to Deliver Alien was therefore issued in error and that the breach should be reversed.

The record reflects that the alien was booked into the [REDACTED] Detention Center in [REDACTED] Arizona on May 5, 2013. On the same date, ICE placed an Immigration Detainer –Notice of Action (Form I-247) on the bonded alien. The alien remained at the [REDACTED] Detention Center through October 6, 2014. The bonded alien was released from ICE's custody on November 18, 2014. Accordingly, the applicant was detained on the day that the obligor was requested to present the alien, on September 5, 2014.

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).

The General Terms and Conditions of the Immigration Bond, Form I-352, provides that a delivery bond shall be canceled upon any of the following, provided they occur prior to the date of a breach: DHS' taking the alien back into its custody; deportation/exclusion/removal of the bonded alien; grant of permanent residence to the bonded alien; notice of the detention of the bonded alien for 30 or more days pursuant, or prior, to a conviction by local, state, or federal authorities; termination of deportation/removal proceedings (but not administrative closure or stay of such proceedings); death of the bonded alien; voluntary departure by the bonded alien as evidenced by valid proof thereof; or other circumstances as provided by statute or regulation.

The bond breach in this case occurred over 16 months after ICE placed a detainer on the bonded alien. As such, the conditions of the bond have not been substantially violated. The field office director's decision declaring the bond breached will be rescinded 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.