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U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

[redacted]

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FILE: [redacted] Office: NEW YORK Date: JAN 12 2005

IN RE: Obligor: [redacted]
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:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The delivery bond in this matter was declared breached by the Field Office Director, Detention and Removal, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The record indicates that on August 30, 2001, 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 January 8, 2003, 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 the legacy Immigration and Naturalization Service, now Immigration and Customs Enforcement (ICE), at 9:00 a.m. on February 12, 2003, at [redacted] The obligor failed to present the alien, and the alien failed to appear as required. On March 22, 2003, the field office director informed the obligor that the delivery bond had been breached.

On appeal, counsel merely requests a 60 day extension to file a brief subsequent to the receipt of the alien's file pursuant to his FOIA request.

The record reflects that subsequent to the issuance of the breach notice, ICE rescinded the notice and issued new demand. Once a new demand is sent to the obligor, the new demand supersedes all prior demands namely, the demand issued on January 8, 2003.

ORDER: The appeal is dismissed.