U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

G1

FILE: [redacted] Office: SAN ANTONIO Date: MAR 01 2005

IN RE: Obligor:
Bonded Alien [redacted]

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]

PUBLIC COPY

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.

Elizabeth O'Brien
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, San Antonio, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The record indicates that November 20, 2003, 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 March 25, 2004, was sent to the co-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 May 3, 2004, at [redacted] he obligor failed to present the alien, and the alien failed to appear as required. On, May 6, 2004, the field office director informed the co-obligor that the delivery bond had been breached.

On appeal, counsel asserts that the bonded alien's application for adjustment of status under section 245 of the Immigration and Nationality Act was granted on December 17, 2003. Counsel requests that the bond be canceled.

The record reflects that the immigration judge terminated removal proceedings in the bonded alien's case on December 17, 2003. There is no evidence that any appeal or motion was filed following the termination order.

The Immigration Bond, Form I-352 provides that the obligor's duty to produce the alien terminates when removal proceedings in the alien's case are finally terminated. The bond breach in this case occurred over four months after the immigration judge terminated removal proceedings against the alien. The breach was thus in error and will be withdrawn. As the obligor has no further obligation to produce the alien, the delivery bond will be canceled.

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 The field office director's decision declaring the bond breached is withdrawn.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