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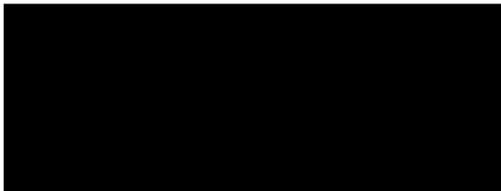
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: DEC 05 2006

XTU 88 154 2068

IN RE:

Applicant:



APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, California Service Center and is before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The director denied the application based upon the determination that the applicant had failed to comply with a request for additional evidence dated September 10, 2004. Specifically, the director concluded that the applicant failed to submit a duplicate copy of a previously filed appeal Form I-694 that was missing from the record of proceeding. However, the record shows that the original appeal Form I-694 filed by the applicant was found and placed into the record after the director's denial of the application had been issued on December 10, 2004. Therefore, the basis of the director's denial must be considered as erroneous.

The case is remanded for the purpose of a written decision that fully addresses the evidence contained in the record. Should the decision be adverse, the applicant shall be permitted to file an appeal, without fee.

**ORDER:** The case is remanded for appropriate action and decision consistent with the foregoing.