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U.S. Citizenship
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21

FILE:



Office: TEXAS SERVICE CENTER

Date: APR 21 2005

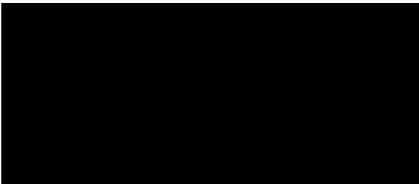
IN RE:

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Southern Service Center. The matter subsequently came before the Administrative Appeals Office (AAO) on appeal, and the appeal was dismissed. The applicant filed a petition for writ of habeas corpus in the United States District Court, Southern Division of Florida, Miami Division. *Joseph Phen v. Jesus Torres, Director of the Miami Bureau of Immigration and Customs Enforcement, et al*, Case No. 04-21064-civ-Jordan (filed May 4, 2004).

On October 25, 2004, the court entered an order in favor of the plaintiff, compelling the AAO to approve the application for temporary residence. On the basis of the court's order, the AAO will withdraw its previous decision and approve the application.

ORDER: The previous decision of the AAO, dated June 15, 2004, is withdrawn. The application is approved by order of the court. The Director, Texas Service Center shall fee-register and process the application for adjustment to permanent residence.