

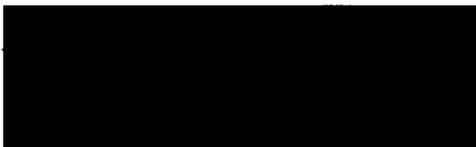
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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

LI



FILE: [REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 12 2005**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

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.

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 as a special agricultural worker was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

On March 16, 2001, the director requested that the applicant submit documentary evidence to corroborate his claimed employment in agriculture granting the applicant sixty (60) days to respond. On April 10, 2001, the applicant submitted additional documentary evidence. At that point the director should have reopened the case to consider the evidence submitted by the applicant. The director failed to reopen the case and instead forwarded the appeal to the Administrative Appeals Office for consideration..

The case will be remanded for the purpose of a new decision addressing the above. In the event of a new decision of denial, the applicant will be permitted to appeal without a fee.

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