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



**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **OCT 27 2006**

XPO 88 167 2076

IN RE:

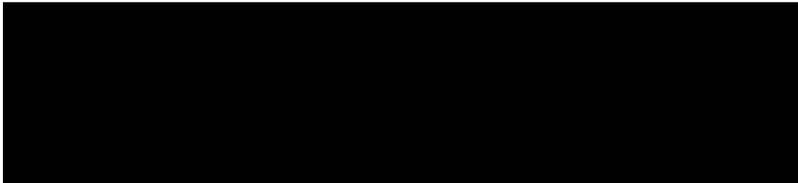
Applicant:



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:



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 applicant's temporary resident status was terminated by the Director, Western Service Center. The matter was then remanded by the Administrative Appeals Office (AAO), and subsequently denied by the Director, California Service Center. The matter is now before the AAO on appeal. The case will be remanded for further consideration and action.

The application for temporary residence was approved on July 15, 1988. The Director, Western Service Center, then terminated the applicant's status on July 16, 1991. The applicant appealed, and the matter was remanded by the AAO on March 21, 2000, due to the fact that the applicant had submitted proof of his eligibility on appeal. The Director, California Service Center denied the application on April 19, 2006 because the applicant failed to appear for fingerprinting. However, the denial action was improper. The applicant had already been granted temporary resident status, and there was no application pending that the director could deny. Any removal of the applicant's temporary resident status must come through termination proceedings. Should the director complete the termination action, the matter shall be certified to this office for review.

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