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

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FILE:



XLS 89 101 09017

Office: NEBRASKA SERVICE CENTER

Date: **SEP 05 2006**

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:

Self-represented

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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's temporary resident status was terminated by the Director, Northern Regional Processing Facility. The matter was remanded by the Administrative Appeals Office (AAO), and denied again by the Director, Nebraska Service Center. The matter is now before the AAO on appeal. The case will be remanded once again for further consideration and action.

As of March 29, 1998, applicants for Temporary Resident Status as a Special Agricultural Worker are required to be fingerprinted at a Citizenship and Immigration Services (CIS) Application Support Center or approved Designated Law Enforcement Agency.

On December 27, 1993, the case was remanded for the introduction of any additional adverse evidence. A notice dated October 24, 2005 was sent to the applicant at his address of record, advising him to appear at the CIS office in Naperville, Illinois on June 7, 2005, to be fingerprinted. As the notice was issued *subsequent to* his appointment, the applicant could not have appeared at the Naperville office on June 7, 2005. Therefore, the director's denial of the application will be withdrawn.

The case is remanded for the purpose of sending the applicant another fingerprint notification form, and affording him the opportunity to comply with its requirements. Thereafter, the director will render a new decision. Should the decision be adverse, the director must give written notice setting forth the specific reasons for the denial pursuant to 8 C.F.R. § 103.3(a)(1)(i), and may certify the decision to this office.

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