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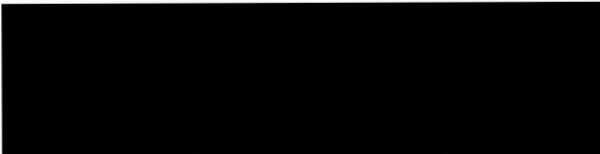
U.S. Department of Homeland Security
20 Mass. Avenue, N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
XBA 89 031 5054

Office: CALIFORNIA SERVICE CENTER

Date: SEP 14 2006

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center. The matter was remanded by the Administrative Appeals Office (AAO), and denied again 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 Director, California Service Center, finally denied the application because the applicant failed to appear for fingerprinting.

The record indicates that the Motion to Reopen/New Notice of Decision was not sent to the applicant's most current address of record. Further, the record does not contain a copy of the fingerprint notification purportedly sent to the applicant advising him to report to the United States Citizenship and Immigration Services (USCIS) office in West Palm Beach, Florida to have his fingerprints taken. Therefore, it cannot be concluded that the applicant has been apprised as to his responsibilities regarding fingerprinting. The director's denial of the application, based on the **applicant's failure to report for fingerprinting, is withdrawn.** The applicant's most current address of record is [REDACTED]

The case is remanded for the purpose of sending the applicant a new Fingerprint Notification 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, and certify the decision to this office.

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