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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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[Redacted]

FILE:

[Redacted]

Office: LOS ANGELES

Date: JAN 17 2008

MSC-05-231-15471

IN RE:

Applicant:

[Redacted]

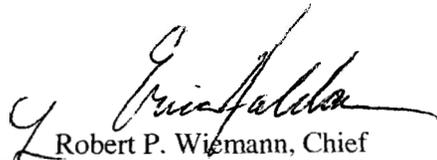
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided 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 pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, Los Angeles. The decision is now before the Administrative Appeals Office (AAO) on appeal. This matter will be remanded for further action and consideration.

The record of proceedings shows that the applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on May 19, 2005. The record also shows that the director submitted a Request for Evidence dated January 6, 2006, to the applicant. There is no evidence in the record to demonstrate that the applicant responded to the request for evidence.

The director denied the I-687 application on July 26, 2006, after determining that the applicant responded to the request for evidence by submitting copies of his school records dated September 1989 through December of 1991 although he was instructed to submit copies of his school records for the years 1981 to 1988. The director also notes that the applicant submitted a Declaration of witness from his mother [REDACTED] that is contradictory to the applicant's statements made under oath during his interview by immigration officers on February 6, 2006.

On appeal, counsel states that the applicant's mother's name is [REDACTED], not [REDACTED]. Counsel further states that the applicant has submitted evidence and is submitting a copy of his school records as proof of his enrollment in Malabar Street School for the years 1977 to 1980, and is also submitting an affidavit from his uncle, [REDACTED], who attests to the fact that the applicant has been present in the United States since 1981. It is noted that on his I-687 application [REDACTED] lists Mexico as his place of birth, and January 26, 1969 as his date of birth.

The applicant's record of proceedings also contains a request for evidence submitted by the director on March 7, 2006, and addressed to a different applicant (G.R.), with a different A file number. The district office in Los Angeles, California received a response to this request on or about April 25, 2006. The response contained copies of another's cumulative junior and senior high school transcripts from Los Angeles Unified School District and transcripts from Huntington Park-Bell Community Adult School dated September 1989 through December of 1991. The response also contained a Declaration from O.R. who claims to be G.R.'s mother. The record shows that G.R. was born in Mexico on April 26, 1973.

A review of the record reveals that the district director incorrectly denied the applicant's I-687 application based upon evidence he received concerning G.R.'s I-687 application that was inadvertently placed in [REDACTED]'s immigration case files.

Accordingly, the decision of the district director is withdrawn. The documentation relating to G.R. should be placed in its respective record. The case is remanded for reconsideration by the director.

ORDER: This matter is remanded for further action and consideration pursuant to the above.