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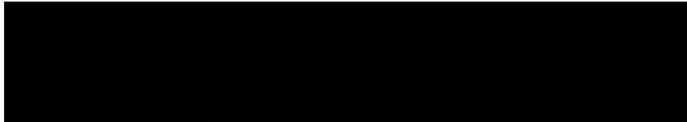
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
XSF 88 510 6172

Office: CALIFORNIA SERVICE CENTER

Date: JAN 28 2008

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that 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. Viemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The decision of the director will be withdrawn and the case will be remanded for further action.

The director denied the application because the applicant was unable to establish the requisite continuous residence in the United States due to her deportation in 1984.

An applicant for temporary residence must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). An alien shall not be considered to have resided continuously in the United States, if, during any period for which continuous residence is required, the alien was outside of the United States as a result of a departure under an order of deportation. Section 245A(g)(2)(B)(i) of the Act, 8 U.S.C. § 1255a(g)(2)(B)(i).

The record in this case shows that on January 5, 1984, the petitioner was deported to Mexico pursuant to the order of an immigration judge. Accordingly, based on the present record, the applicant did not reside continuously in the United States throughout the requisite period and is consequently ineligible for temporary resident status.

However, upon review, we find that although the petitioner was previously identified as a member of the class represented in the case of *Proyecto San Pablo v. Immigration and Naturalization Service*, the petitioner was never sent the notice required by the judgment in that case. See *Proyecto San Pablo v. I.N.S.*, 784 F. Supp. 738 (D. Ariz. 1991). Consequently, the case must be remanded to the director for issuance of the requisite notice and any necessary, further action.

ORDER: The decision of the director is withdrawn. The petition is remanded to the director for further action in accordance with the foregoing discussion and entry of a new decision.