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U.S. Citizenship  
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NOV 04 2004

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Applicant:



APPLICATION:

Application for Adjustment from Temporary to Permanent Resident Status under  
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 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, Director  
Administrative Appeals Office

**DISCUSSION:** The application for adjustment from temporary to permanent resident status was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office on appeal. The matter will be remanded.

The director denied the application because the applicant's temporary resident status had been terminated, and the applicant was therefore not eligible for adjustment from temporary to permanent resident status. However, after receiving this appeal, the director reopened the termination matter, and reinstated the applicant's temporary residence. By taking such action, the director removed the basis for the denial of the application for adjustment to permanent resident status. It is concluded that the director would have taken such positive action only if he intended to then reopen and adjudicate the adjustment application. Therefore, the director shall now follow through on that action.

**ORDER:** The matter is remanded for action and consideration pursuant to the above.