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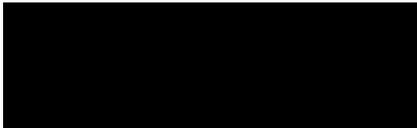
U.S. Department of Homeland Security
20 Mass. Avenue, N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
XNK 89 032 1154

Date: AUG 31 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. It is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The director denied the application for lack of prosecution because the applicant failed to appear for the required interview regarding his Application for Temporary Residence as a Special Agricultural Worker.

The record indicates that on August 1, 1989, August 28, 1989, and December 28, 1989, the applicant was sent a notice to appear for a scheduled interview. However, it cannot be concluded that the notices were sent to the applicant's most current address of record. Each notice was sent to [REDACTED] record contains no evidence that the applicant has ever claimed that he resided at [REDACTED] California. That address can be found nowhere in the record, except on the interview notices and on an erroneous Service memorandum. Therefore, the applicant's statement on appeal that he never received an appointment notice appears credible. The director's denial of the application, based on the applicant's failure to report for his interview, 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 appointment notice affording him the opportunity to present himself for an interview. 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.