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U.S. Citizenship  
and Immigration  
Services

March 13, 2007

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RE: [REDACTED] /X PW 90 151 10353

APR 05 2007

Dear [REDACTED]

On May 26, 1992, the Director, Western Service Center, issued a notice of decision denying your Form I-698, Application to Adjust Status from Temporary to Permanent Residence. The center director subsequently reissued the notice of decision on September 8, 1992. On October 21, 1992, you filed an appeal. Your appeal Form I-694 was clearly marked to show that you were appealing the denial of your Form I-698 adjustment application. The AAO incorrectly applied the appeal to the termination of your temporary residence and dismissed the appeal on November 16, 2006. The AAO dismissed the appeal as frivolous. On motion, counsel submits evidence that he had in fact submitted a brief within thirty days of the filing of the appeal, but due to CIS error, such brief had not been incorporated into the record of proceedings. The AAO accepts the evidence counsel submitted a substantive brief to supplement the appeal.

This case shall be reopened pursuant to the regulations at 8 C.F.R. § 103.5(b) which provide that the AAO may of its own volition (sua sponte) reopen or reconsider a decision under section 245A of the Immigration and Nationality Act (Act) and the previous dismissal shall be withdrawn. The AAO hereby issues this notice advising you of Citizenship and Immigration Services' (CIS) reopening of your case in order to review the appeal brief contained in the record of proceedings and provide you the opportunity to submit a statement, brief, and/or evidence to supplement your appeal.

Therefore, you are hereby afforded 30 days (plus 3 days for mailing) from the date of this letter in which to respond to this notice. If you do not submit any material to supplement your appeal within the allotted period, the AAO will adjudicate your appeal based upon the evidence that is currently contained within the record of proceedings. If you choose to respond, please include a copy of this notice with your response and mail all pertinent material to the AAO at the address listed on the top right corner of the cover sheet of the notice. After the 30 day period has elapsed, the AAO will prepare and issue its new appellate decision, taking into account all of the evidence you choose to submit during the time allowed.

Sincerely,

Robert P. Wiemann, Chief  
Administrative Appeals Office

cc: [REDACTED]