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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass. 3/F
Washington, D.C. 20536

[REDACTED]

File: [REDACTED]

Office: California Service Center

Date: **JUL 17 2003**

IN RE: Applicant: [REDACTED]

Application: Application for Temporary Resident Status pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

ON BEHALF OF APPLICANT: [REDACTED]

INSTRUCTIONS: Attached is the decision rendered on your appeal. 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, the Service Center will contact you. 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
for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further consideration and action.

It does not appear that counsel's request for a copy of the record has been properly addressed. Rather than mailing a copy of the record to counsel, the Service (now the Bureau) mailed this material to the applicant. In addition, this error was further compounded as the correspondence was sent to the applicant at an out of date address. Furthermore, it is evident that the applicant made an error in listing his most current address of record as it should read "[REDACTED]" Nevertheless, a copy of the record should have been mailed to the applicant's attorney as the file contains a copy of a duly executed Form G-28, Notice of Entry of Appearance as Attorney or Representative, and he is the party specifically requesting a copy of the record.

Accordingly, the case will be remanded for the purpose of processing the aforementioned request and sending a copy of the administrative record to the applicant's counsel. Any brief or additional information that is submitted by counsel or the applicant subsequent to the processing of the request shall be considered by the director. If the applicant has not overcome the denial, the record should be forwarded to this office for consideration.

ORDER: The case is remanded for appropriate action.