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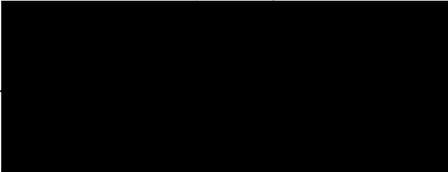
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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**



FILE:



Office: CALIFORNIA SERVICE CENTER

**MAY 18 2004**  
Date:

IN RE:

Applicant:



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, Director  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status as a special agricultural worker is now before the Administrative Appeals Office on appeal. The matter will be remanded for further consideration and action.

While the record does contain multiple copies of the draft of a decision, a review of the administrative record shows that this notice of denial is unsigned, undated, and had never been formally issued to the applicant. Furthermore, a review of the electronic record reflects that no final decision has been reached in this matter. According to 8 C.F.R. § 103.3(a)(3), whenever an application for special agricultural worker is denied, the alien shall be given written notice setting forth the specific reasons for the denial on Form I-692.

The case is remanded for the purpose of a written decision which fully addresses the evidence. If the director intends to deny the special agricultural worker application on the basis of adverse information relating to the applicant's claim of employment, the applicant shall first be informed of such adverse information and be provided the opportunity to rebut such information prior to any final decision being issued in this matter. Should the decision be adverse, the applicant shall be permitted to file an appeal, without fee.

**ORDER:** The matter is remanded for appropriate action and decision consistent with the foregoing.