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U.S. Citizenship
and Immigration
Services



44

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Applicant:



JAN 27 2005

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

PUBLIC COPY

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 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 matter will be remanded for further consideration and action.

The director denied the application because the applicant purportedly responded to a notice of intent to deny by simply reaffirming his claimed agricultural employment with a self-serving statement. The director stated that the applicant had not provided a credible statement or affidavit to overcome the adverse information.

The director's decision does not relate to the facts of this case. There is no adverse information regarding the applicant's agricultural claim. The notice of intent to deny advised the applicant to provide criminal dispositions. The applicant did so. The director then issued a form-letter denial that was commonly used in another type of case where an alien had been confronted with adverse information concerning the legitimacy of his claim to have worked in agriculture.

The matter is remanded for the purpose of a written decision that actually addresses the facts of this case. Should the decision be adverse, it shall be certified to this office for review.

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