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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FEB 02 2004

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date:

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

Although a Notice of Entry of Appearance as Attorney of Representative (Form G-28) has been submitted, the individual is not authorized under 8 C.F.R. § 292.1 or 8 C.F.R. § 292.2 to represent the applicant. Therefore, this decision will be furnished to the applicant only.

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 was initially denied by the Director, Western Regional Processing Facility, and subsequently remanded by the Administrative Appeals Office (AAO). The case was reopened by the Director, California Service Center, and then returned to the AAO. The case will be remanded for further consideration and action.

The record does not contain a decision subsequent to the reopening of the case on November 10, 1998. Furthermore, while the director stated in her motion to reopen that the applicant was to be scheduled for a new interview in order to submit a complete application, it does not appear that this interview was ever scheduled. In addition, the record contains no indication that the applicant was informed of the deficiencies in his application that caused it to be considered incomplete. According to 8 C.F.R. § 103.3(a)(3), whenever an application for special agricultural worker status 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 in order to comply with the instructions contained in the motion to reopen issued on November 10, 1998. Once adjudication of the application is complete, the director shall issue a new written decision that fully addresses the evidence. If the new decision is adverse, it shall be certified to this office.

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