



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **AUG 24 2005**

IN RE:

Applicant:



APPLICATION: Application for Temporary Resident Status under Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT: Self-represented

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 (legalization) was denied by the Director, Southern Regional Processing Facility, and is now before the Administrative Appeals Office on appeal. The matter will be remanded to the Director, California Service Center.

The director denied the application because the applicant failed to report for the required interview and failed to submit supporting documentation. However, the local legalization office in Los Angeles reopened the matter when it later called the applicant in for a legalization interview. She reported to that office for the interview, submitted some supporting documentation, and was interviewed. At the conclusion of the interview she was issued a notice that advised her to submit additional documents to the Western Regional Processing Facility (now California Service Center), where the file was sent.

Five years later, counsel filed a Freedom of Information Act request, and received a copy of the file from the California Service Center. She then wrote to that director, asserted the applicant had furnished the requested documents, pointed out the copy of the file she had received did not contain those documents, and asked for action to be taken on the application. No response was generated to her letter.

As this matter was reopened subsequent to the denial, a new decision must be entered. The Director California Service Center shall render a new decision which, if adverse, shall be certified to this office.

ORDER: The matter is remanded for action and consideration pursuant to the above.