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U.S. Citizenship
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Services

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MAR 01 2007

FILE:

XEM 87 104 7054

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Applicant:



APPLICATION:

Application for Status as a Temporary Resident pursuant to 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, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was initially denied by the Director, Western Regional Processing Facility. The matter subsequently came before the Administrative Appeals Office (AAO) on appeal. Upon review, the AAO remanded the matter, stating that the original denial, which was apparently issued on January 16, 1988, was missing from the applicant's record of proceeding. The matter was remanded with further instructions. The more recent denial was issued by the Director, California Service Center on April 25, 2005. The matter will be remanded for further action consistent with the foregoing.

On December 9, 2004, the director issued a notice of his intent to deny (NOID) the application based on the determination that the applicant was absent from the United States for the period between September 1987 through March 1988. The director ultimately denied the application based on this ground of ineligibility. However, the record shows that the applicant's address was updated in January 2002. It appears that the NOID and denial notice were sent to an outdated address and, therefore, were not received by the applicant. As such, the applicant did not have ample opportunity to address the grounds of ineligibility cited by the director.

Accordingly, the matter will be remanded to the director for the purpose of issuing a new NOID and, if applicable, a notice of denial to the applicant's updated address.

ORDER: The matter is hereby remanded. The director's decision will be certified to the AAO.