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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
SRC-06-052-50289

Office: HOUSTON

Date: JAN 13 2009

IN RE: Applicant: [REDACTED]

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:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was terminated by the Director, Houston, and is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further action and consideration.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The Director terminated the Form I-687 application, finding that the applicant had failed to perfect filing her Form I-698 application. The director further found that the applicant had failed to respond to a request for evidence relating to her Form I-698.

On appeal, the applicant asserts that she never received any notice of termination from the Director, and that she filed all of her change of address forms whenever she moved.

A review of the record reveals that the Notice of Termination was sent to the wrong address and returned to the United States Citizenship and Immigration Services (USCIS) office, undeliverable. **Accordingly, the decision of the director is withdrawn.** The case will be remanded for further action by the director.¹

After the interview is conducted and the complete record is reviewed, then the director shall issue a new decision to the applicant. If the director finds that the applicant is not eligible for temporary resident status, then the director shall forward the matter to the AAO for the adjudication of the applicant's appeal as it relates to the issue of whether the applicant has demonstrated eligibility for temporary resident status.

ORDER: This matter is remanded for further action and consideration pursuant to the above decision.

¹ It is noted that the applicant's Freedom of Information Act request was honored.