



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

RUBLIC COPY

41

FILE:

MSC 07 069 11338

Office: TEXAS SERVICE CENTER

Date: **JAN 23 2008**

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:

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 denied by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further action consistent with the foregoing.

On July 18, 2007, the director issued a notice denying the application based on the determination that the applicant failed to respond to the previously issued request for additional evidence (RFE) dated March 19, 2007.

On appeal, both the applicant and his attorney of record claim that they never received the RFE and, therefore, cannot provide a meaningful appeal, as neither counsel nor the applicant is aware of any specific grounds for denial.

Although the AAO notes that the RFE contains a date and the correct mailing addresses for the applicant and his attorney, it is not clear that the notice was actually sent to either party. Therefore, a copy of the RFE is hereby reissued to both parties allowing the same response time of 90 days in which to address each of the director's concerns. The applicant is instructed to submit his response directly to the Texas Service Center. The director shall then review the applicant's submissions and make a new determination regarding his eligibility.

Accordingly, the matter is hereby remanded for the purpose of allowing the applicant the opportunity to respond to the director's RFE and address any issues concerning the applicant's eligibility.

ORDER: The director's decision dated July 18, 2007 is hereby withdrawn. The matter is remanded to the director for a new decision, which, if adverse, shall be certified to the AAO for review.