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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

L1

[REDACTED]

DATE: FEB 27 2012

Office: NATIONAL BENEFITS CENTER

FILE: [REDACTED]

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.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary resident status to permanent resident status was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be remanded.

The director denied the application for adjustment from temporary to permanent resident status because the applicant's temporary resident status was terminated on April 6, 2009.¹ The appeal of that termination was sustained by the AAO.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Following *de novo* review, the AAO finds that that the director's basis for denial of the Form I-698 was in error and withdraws the director's decision.

The director shall continue the adjudication of the application for permanent resident status.

ORDER: The director's decision is withdrawn. The appeal is remanded for further action and the adjudication of the Form I-698, and the entry of a new decision consistent with the above discussion. Should the decision be adverse to the applicant, the director shall certify the decision to the AAO for review.