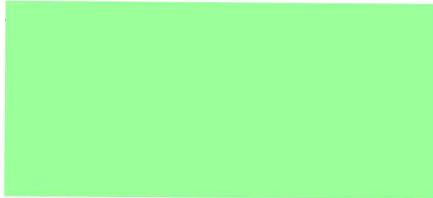




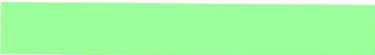
(b)(6)



DATE: **SEP 13 2013**

Office: DETROIT

FILE: 

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you.

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Field Office Director (director), Detroit, denied the application for temporary resident status and the matter is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded.

The applicant is a native and citizen of Pakistan. The applicant's Form I-687, Application for Status as a Temporary Resident, 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, or *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 denied by the Field Office Director, Chicago and a subsequent appeal was dismissed by the AAO. The matter was subsequently brought before the 7<sup>th</sup> Circuit Court of Appeals of the United States. The court sustained the applicant's appeal with respect to his criminal conviction and ordered that the matter be remanded to the AAO to address the issue of whether the applicant has established his continuous residence in the United States for the required period. On February 27, 2012, the AAO issued a Request for Additional Evidence (RFE) and the applicant submitted a timely response. On May 1, 2012, the AAO remanded the matter to afford the applicant an interview pursuant to 8 C.F.R. § 245a.2(j), and to provide the applicant an opportunity to address the inconsistencies noted therein by the AAO. The AAO also noted that the applicant was inadmissible pursuant to section 212(a)(6)(C)(i) of the Act and that this ground of inadmissible may be waived.<sup>1</sup> On May 16, 2013, Field Office Director, Detroit, denied the I-687 application without affording the applicant an adjustment interview. On appeal, counsel asserts that the applicant should be afforded opportunity for an adjustment interview pursuant to 8 C.F.R. § 245a.2(j). Counsel has submitted a brief on appeal.

Since the director's decision fails to adhere to the above regulatory requirements, the decision to deny the application is in error and shall be withdrawn. The matter shall be remanded to the Detroit Field Office, and the applicant shall be afforded an interview at that office.

**ORDER:** The director's May 16, 2013 decision is withdrawn. The matter is remanded for further action and consideration. If the director issues a decision adverse to the applicant, he or she shall certify the decision to the AAO.

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<sup>1</sup> The AAO noted that the applicant's inadmissibility was based upon an immigration judge having determined that the applicant misrepresented his citizenship to gain entry into the United States on April 19, 1995.