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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. MS2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**



[Redacted]

IN RE: Applicant: [Redacted]

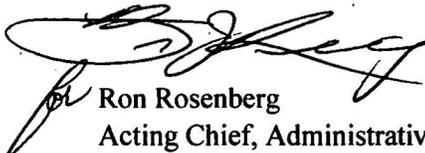
Date: **APR 24 2013** Office: CALIFORNIA SERVICE CENTER FILE: [Redacted]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

ON BEHALF OF APPLICANT:
[Redacted]

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 or rejected, 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.


Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center. On appeal, the applicant requested a copy of the record of proceedings. The matter was remanded by the Administrative Appeals Office (AAO) to permit the director to process the applicant's request. The request was processed. The Director, California Service Center, denied the application due to abandonment. The matter is now before the AAO on appeal. The appeal will be sustained.

The California Service Center Director denied the application finding the applicant had abandoned the application because he failed to appear for fingerprinting. Two fingerprinting notices were returned as undeliverable.

On appeal, counsel for the applicant submits a brief.

The AAO finds that the applicant has established that he performed at least 90 man-days of qualifying agricultural employment during the 12-month period ending May 1, 1986. The applicant has met his burden of proof. The appeal will be sustained and the file will be returned to the director to schedule the applicant for fingerprinting and to process the fingerprints to determine if the applicant is eligible for adjustment to temporary resident status.

The appeal is sustained.

ORDER: The appeal is sustained.