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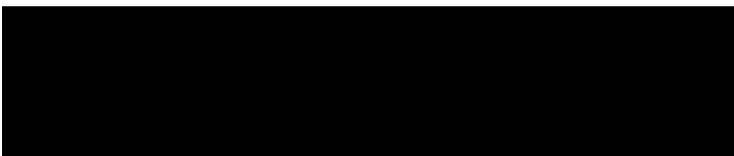
U.S. Department of Homeland Security
20 Mass. Avenue, N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
XTO 89 005 2182

Office: CALIFORNIA SERVICE CENTER

Date: JUL 31 2006

IN RE: Applicant: [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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed 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 as a special agricultural worker was denied by the Director, Western Service Center. The matter was remanded by the Administrative Appeals Office (AAO), and denied again by the Director, California Service Center. The matter is now before the AAO on appeal. The appeal will be dismissed.

The Director, California Service Center finally denied the application because the applicant failed to appear for fingerprinting. In response to the final notice, the applicant acknowledges that he received the Fingerprint Notification and that he was scheduled to have his fingerprints taken. However, the applicant also states that he did not know what the letter requested of him because of his limited comprehension of English.

As of March 29, 1998, applicants for Temporary Resident Status as a Special Agricultural Worker are required to be fingerprinted at a Citizenship and Immigration Services (CIS) Application Support Center or approved Designated Law Enforcement Agency.

On November 8, 2000, the case was remanded for the introduction of any additional adverse evidence. On October 25, 2004, the applicant was requested to appear at the CIS office in Bellflower, California on November 9, 2004, to be fingerprinted. The applicant failed to appear. On December 6, 2005, the director denied the application because the applicant failed to appear for the required fingerprinting.

The applicant's statement in response to the final denial that he did not comprehend the meaning of the notice does not seem credible. He admits to being aware that he was scheduled to have his fingerprints taken and the record reveals that the applicant has properly responded to other notices sent to him written in English. Therefore, the applicant's reason for not having his fingerprints taken is highly questionable.

Declarations by an applicant that he has not had a criminal record are subject to verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. 8 C.F.R. § 210.3(b)(3) states all evidence regarding admissibility and eligibility submitted by an applicant for adjustment of status will be subject to verification by the Service. Failure by an applicant to release information may result in the denial of the benefit sought. Additionally, 8 C.F.R. § 210.3(c) states in part: "A complete application for adjustment of status must be accompanied by proof of identity, evidence of qualifying employment, evidence of residence, and such evidence of admissibility or eligibility as may be required by the examining immigration officer in accordance with such requirements specified in this part."

The applicant failed to appear as required for fingerprinting. Consequently, the applicant has not met the required burden of proof establishing admissibility or eligibility for temporary resident status as a Special Agricultural Worker.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.