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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
XEC-88-274-2023

Office: CALIFORNIA SERVICE CENTER

Date: MAY 04 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 Regional Processing Facility. The matter was then reopened and denied again by the Director, California Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The directors denied the application because the applicant failed to submit a complete application within the time permitted as required of S-9 preliminary applicants.

On appeal from the initial denial, the applicant reaffirmed his employment in agriculture.

The applicant was admitted to the United States at Calexico, California on September 22, 1988 as an S-9 applicant who established a preliminary claim to eligibility for temporary resident status as a special agricultural worker. The applicant was admitted for a period of 90 days in accordance with 8 C.F.R. § 210.2(c)(4)(iii), and required, within that 90 day period, to submit a complete application, along with a Fingerprint Card, Form FD-258, to any legalization office. A complete application had to include evidence of qualifying employment, evidence of residence, a report of medical examination and the prescribed number of photographs. 8 C.F.R. § 210.1(d).

The record indicates that, at the time the preliminary application was presented, the applicant signed a Service advisory statement acknowledging awareness of the requirements for submission of the required documents within the initial 90-day period.

Pursuant to Legalization Wire CO-1588-C, dated November 28, 1989, the 90 day period within which S-9 applicants were required to submit their complete applications was extended until December 31, 1989. If an S-9 applicant failed to submit a complete application in accordance with the above, his application was to be denied for lack of prosecution. 8 C.F.R. § 210.2(c)(4)(iii).

The applicant was permitted until December 31, 1989 to submit a complete application; however, he failed to submit all the necessary documents, namely a report of medical examination, evidence of residence and a fingerprint card. Thus, he failed to submit a complete application. The applicant has failed to meet the statutory requirements for eligibility as a special agricultural worker and is, therefore, ineligible for temporary resident status.

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