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U.S. Citizenship
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Services

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FILE:



XLT 88 078 1040

Office: TEXAS SERVICE CENTER

Date: NOV 09

IN RE:

Applicant:



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. P. 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, Southern Regional Processing Facility, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director 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, the applicant admits his failure to submit all of the required supporting documentation, indicating that he could not submit a medical examination form or a fingerprint card because he was in Mexico and was told at the border that he could not reenter to the United States.

The applicant was admitted to the United States at Laredo, Texas on April 8, 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).

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 complete his application and although he ultimately submitted documentation to complete his application, he failed to do so until well after December 31, 1989. 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.