



U.S. Citizenship
and Immigration
Services

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APR 20 2007

FILE:



XFR 88 247 02084

Office: CALIFORNIA SERVICE CENTER

Date:

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. All documents have been returned to
the office that originally decided your case. Any further inquiry must be made to that office.



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 denied the application because the applicant failed to appear for fingerprinting. The applicant has not addressed the director's decision or provided any evidence to overcome the director's findings.

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

On January 19, 2001, the case was remanded for the introduction of any additional adverse evidence. On September 22, 2004, a notice was sent to the applicant at his address of record, advising him to appear at the CIS office in Fresno, California on October 7, 2004, to be fingerprinted. The applicant failed to appear, and the record contains no evidence that a request to reschedule was received by CIS. On March 23, 2005, the director denied the application because the applicant failed to appear for the required fingerprinting.

Declarations by an applicant that he or she has not had a criminal record are subject to verification of facts by CIS. 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 SAW.

Finally, it is noted that the applicant admitted that he was deported from the United States in 1991. The record indicates that on April 10, 1996, the applicant attempted to smuggle 101.2 pounds of marijuana into the United States. The record also indicates that on May 3, 1996, the applicant was ordered deported from the United States.

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