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U.S. Citizenship
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JUN 08 2007
Date:

FILE: [Redacted]
XPW 80 702 01338

Office: California Service Center

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. 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, reopened, and denied again by the Director, California Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director initially denied the application on July 14, 1992, because the applicant failed to appear for his legalization interview. The director also denied the application because the applicant failed to submit the \$185 filing fee.

On August 18, 1992, the applicant filed an appeal from the denial decision. On appeal, the applicant stated that he had mailed the \$185 application fee, but it must have gotten lost in the mail. He submitted a new \$185 money order in payment of the application fee and requested another opportunity to be interviewed.

On November 30, 1992, the director reopened the case and afforded the applicant another opportunity to be interviewed. The applicant appeared for his legalization interview on December 2, 1993. During his interview, the applicant told the interviewing officer that he first entered the United States in 1985. He stated that he worked in an automobile body shop in Culver City, California, for two years, and that he also did landscaping work at different houses.

The director denied the application again on September 7, 2006, because the applicant failed to submit a complete application, including Form I-700, Application For Temporary Resident Status as a Special Agricultural, Worker. The director also denied the application because applicant's claimed employment in an automobile body shop and performing landscaping work at private houses was considered non-qualifying employment. The director informed the applicant that his appeal was still in effect and granted him 30 days to submit additional evidence to supplement his appeal. To date, the applicant has not submitted a Form I-700 or any additional evidence for the record.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

It is noted that the applicant was arrested in Evanston, Wyoming, on July 30, 1990, and charged with driving under the influence of liquor. The record does not contain any information regarding the final court disposition of this arrest.

The applicant was subsequently arrested in Uinta County, Wyoming, on March 24, 1996, and charged with driving while under the influence of alcohol. The applicant's fingerprint results report indicates that the applicant was convicted of this charge on May 21, 1996. The applicant was sentenced to 10 days imprisonment, with imposition of nine days imprisonment suspended, and

placed on probation for a minimum of six months. He was also ordered to pay restitution in the amount of \$1260.00. (Docket Number [REDACTED])

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