



U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**PUBLIC COPY**



LI

**MAR 15 2007**

FILE:

XAP 88 505 3019

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. 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 applicant's temporary resident status was initially terminated by the Director, California Service Center, in a decision dated September 28, 1992. The applicant appealed the director's decision before the Administrative Appeals Office (AAO) where the matter was reviewed and subsequently remanded back to the service center for further action. The director has since reopened the matter and issued a new decision based on a new ground of ineligibility. The matter remains before the AAO on appeal. The appeal will be dismissed. The director's decision will be affirmed.

The director initially terminated the applicant's temporary resident status based on the determination that the applicant failed to establish continuous unlawful residence in the United States since prior to January 1, 1982 through May 4, 1988. Upon further review by the AAO on appeal, it was determined that the applicant erroneously filed a Form I-687 when in reality his intent was to file a Form I-700 in order to establish eligibility as a Special Agricultural Worker (SAW).

Subsequent to the AAO's decision remanding the matter back to the service center for further adjudication, notices were sent out to the applicant. One notice, dated November 8, 2004, was a request for the applicant to provide an updated set of fingerprints. Another notice was issued by the California Service Center on January 10, 2005 in an attempt to have the applicant provide a completed Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker. Although both notices were sent to the applicant's most updated address of record, the petitioner did not respond with the requested information with regard to either request.

On March 25, 2005, the Director, California Service Center reopened the matter and issued a new notice of termination based on the applicant's failure to comply with the November 8, 2004 request for an updated set of fingerprints. The record does not indicate that the applicant has supplemented his original appeal with further information addressing the service center's most recent decision.

The regulations at 8 C.F.R. § 210.2(C)(2)(i) state that a Form I-700 must be accompanied by a completed Form FD-258 (Fingerprint Card) if the applicant is 14 years old or older. In the present matter, the record shows that despite an attempt made by Citizenship and Immigration Services (CIS) to obtain a completed Form I-700, the applicant failed to provide the necessary document. The record further shows that despite CIS's attempt to obtain the necessary fingerprints, the applicant failed to comply with that request as well. As the applicant has failed to meet the necessary documentary requirements to qualify for temporary resident status as a Special Agricultural Worker, the director's decision terminating the applicant's temporary resident status is affirmed.

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