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**U.S. Citizenship
and Immigration
Services**

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FILE:

XID 88 049 1024

Office: CALIFORNIA SERVICE CENTER

Date:

NOV 02 2007

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:

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 application for temporary resident status was denied by the Director, Western Service Center. The Chief of the Legalization Appeals Unit remanded the case for further action. The director reopened the case and denied the application again. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The director initially denied the application on May 20, 1991, because the applicant failed to respond to a Notice of Intent to Deny dated July 13, 1990, advising the applicant of adverse information regarding his claim of qualifying agricultural employment for [REDACTED]

On September 30, 1992, the Chief of the Legalization Appeals Unit remanded the case for further action.

On April 26, 2007, the director reopened the case and informed the applicant of adverse information obtained by CIS regarding his claim of qualifying agricultural employment for [REDACTED]. The director also noted the following arrests:

1. On July 20, 1987, the applicant was arrested in Fresno, California, and charged with obstructing or resisting a public officer in violation of section 148 of the California Penal Code, a misdemeanor.
2. On April 17, 2003, the applicant was arrested in Cuming County, Nebraska, and charged with driving under the influence of liquor, first offense, in violation of section 5404, a misdemeanor. The applicant's Federal Bureau of Investigation (FBI) fingerprint results report indicates that the applicant was convicted of driving under the influence of liquor, first offense, on September 24, 2004. He was ordered to serve 7 days in jail and pay a fine of \$400.00. His driving privilege was also suspended for a period of six months. (Docket Number [REDACTED])
3. On December 7, 2003, the applicant was arrested in Cuming County, Nebraska, and charged with driving under the influence of liquor, second offense, in violation of section 5424, a misdemeanor; driving with a suspended driver's license in violation of section 5429, a misdemeanor; and driving on the shoulder in violation of section 5499, an infraction. The applicant's FBI fingerprint results report indicates that the applicant was convicted of driving under the influence of liquor, second offense, a misdemeanor, on April 20, 2004, and was sentenced to serve 30 days in the country jail and to pay a fine of \$500. His driving privilege was also suspended for one year. The other charges were dismissed. (Docket Number [REDACTED])

The director granted the applicant 30 days to submit additional evidence to corroborate his claim of at least 90 man-days of qualifying agricultural employment during the requisite period and to provide the final court dispositions of the arrests detailed above. The applicant, in response, submitted copies of documents already contained in the record of proceedings, copies of documents not related to the issues discussed in the Notice of Intent to Deny, and various pay stubs.

On June 15, 2007, the director denied the application again because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the eligibility period. The director also denied the application because the applicant failed to provide the final court dispositions of all arrests since his arrival in the United States. The director informed the applicant that his appeal was still in effect and granted the applicant 30 days to submit additional evidence to overcome the grounds for denial of his application.

To date, four months after the issuance of the denial decision, the applicant has not submitted a brief or any additional evidence to overcome the basis for the denial of the application.

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.

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