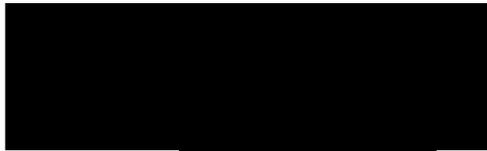


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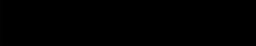
U.S. Citizenship  
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Services

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FILE:



Office: TEXAS SERVICE CENTER

Date:

OCT 02 2007

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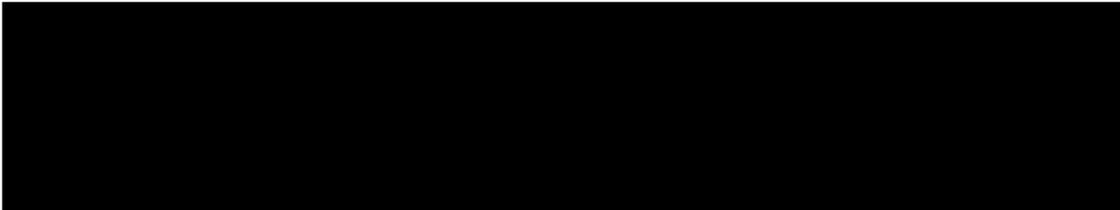
Applicant:



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 as a special agricultural worker was denied by Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The record reveals that the applicant filed a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, with the Immigration and Naturalization Service (the Service), now Citizenship and Immigration Services, on January 28, 1988.

The record of proceeding containing the applicant's Form I-700 and supporting documentation was subsequently lost.

On August 25, 2005, the director sent a letter to the applicant requesting that he reconstruct his original Form I-700 application package including all required supporting documentation. The record does not contain a response from the applicant.

On October 6, 2005, the director sent another notice to the applicant requesting that he reconstruct his original Form I-700 application by submitting a copy of the Form I-700 and all required supporting documentation to corroborate his claim of eligibility for temporary resident status as a special agricultural worker. The director granted the applicant thirty days to submit the requested documents to reconstruct his application. The applicant, in response, submitted a partially completed Form I-700, but he did not submit all required documentation, including Form I-693 medical examination, two photographs, and a Form I-705 agricultural employment affidavit or any other evidence to corroborate his claim of at least 90 man-days of qualifying agricultural employment during the requisite period.

On October 25, 2005, the director denied the appeal filed by the applicant on February 11, 1994, because his original application had never been denied and there was, therefore, no basis for the filing of an appeal.

On December 13, 2005, the director denied the application because the applicant failed to submit a complete Form I-700 and all required supporting documentation to establish his eligibility for temporary resident status as a special agricultural worker. The director informed the applicant that he could file an appeal from the denial decision within 30 days.

On appeal, counsel states that he responded to the service center director's letter of August 25, 2005. Counsel submits a copy of a letter dated September 23, 2005, acknowledging receipt of the letter dated August 25, 2005, and requesting information as to how he could obtain a copy of a blank Form I-700 and a Form I-705 so the applicant could attempt to reconstruct his original I-700 application.

Counsel further states that the applicant did not receive the Request to Reconstruct dated October 6, 2005, until December 17, 2005. Counsel explains that he sent another letter to the Texas Service Center as soon as he received the Request to Reconstruct. Counsel submits a photocopy

of a letter dated December 19, 2005, in which he stated that the applicant had just received the Request to Reconstruct. Counsel indicated in the letter that he and the applicant were attempting to assemble the requested documents and would submit the requested documents within 30 days after receipt of the Request to Reconstruct on December 17, 2005.

Finally, counsel states that the denial decision was issued on December 13, 2005, before the applicant had even received the Request to Reconstruct dated October 6, 2005. Counsel requests that the case be reopened so that the applicant would have the opportunity to reconstruct his original Form I-700 package. To date, one year and seven months after the filing date of the appeal, neither counsel nor the applicant has submitted any of the requested documents to establish the applicant's eligibility for temporary resident status as a special agricultural worker.

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. Neither counsel nor the applicant has submitted the required documentation to establish the applicant's eligibility for temporary resident status as a special agricultural worker. Therefore, the appeal must therefore be summarily dismissed.

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