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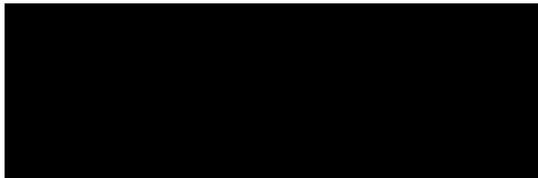
FILE: [REDACTED]
XCA-88-220-01028

Office: LAGUNA NIGUEL Date: SEP 27 2007

IN RE: Applicant: [REDACTED]

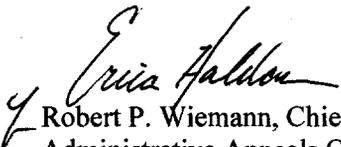
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1160

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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 the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The Director, Western Service Center, denied the application because the applicant failed to respond to the reasons for denial presented in the Notice of Intent to Deny (NOID). In the NOID, the director noted that the applicant claimed employment with [REDACTED] during 1985. The owner/president of [REDACTED] informed the Immigration and Naturalization Service, currently Citizenship and Immigration Services (CIS), that [REDACTED] was not, and had never been, an employee of [REDACTED].

On appeal, the applicant reaffirmed that he had worked for [REDACTED], provided the address of the farm, and explained that he was paid in cash and this may be why the owner has no records of him. The applicant explained the person who hired him, [REDACTED], was the manager of all the people who worked with [REDACTED]. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. Specifically, the applicant failed to explain why the owner of [REDACTED] had no record of employing [REDACTED], considering that the applicant claims [REDACTED] managed other workers.

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 dismissed. This decision constitutes a final notice of ineligibility.