



U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

PUBLIC COPY

LI

FILE: [REDACTED]  
XVN 89 008 01143

Office: CALIFORNIA SERVICE CENTER

Date: JAN 08 2008

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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 on July 29, 1991. On July 16, 1993, an appeal was filed. On July 19, 2005, the Administrative Appeals Office (AAO) summarily dismissed the appeal because over ten years after filing the appeal the applicant did not submit either a brief or an additional statement regarding the reason for the appeal. Counsel has now asked the AAO to reopen and reconsider its decision dated July 19, 2005. The motion will be rejected.

While the AAO may sua sponte reopen on its own motion a matter previously adjudicated, counsel reveals no error in the adjudication of the appeal that would warrant reopening. Therefore, the matter will not be reopened or reconsidered.

Because the application was filed under section 210 of the Immigration and Nationality Act (the Act), the AAO must look to the regulations that clarify the requirements for motions under section 210 of the Act. Pursuant to 8 C.F.R. §§ 103.5(b) and 210.2(g), motions to reopen a proceeding or reconsider a decision shall not be considered. Accordingly, the motion must be rejected

**ORDER:** The motion to reconsider is rejected.