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U.S. Department of Homeland Security
Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass. 3/F
425 I Street N.W.
Washington, D.C. 20536



File # [Redacted]

Office: California Service Center

Date: OCT 28 2003

IN RE: Applicant: [Redacted]

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

ON BEHALF OF APPLICANT: SELF-REPRESENTED

PUBLIC COPY

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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
for
Robert P. Wiemann, Director
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 denied the application because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the eligibility period. This decision was based on adverse information acquired by the Service (now Citizenship and Immigration Service, or CIS) relating to the applicant's claim of employment for Jesus Camacho.

On appeal, the applicant stated that he had not received correspondence relating to the denial of his application and requested that he be provided with copies of such correspondence. The applicant indicated that a brief would be forthcoming upon compliance with his request.

The record shows that CIS complied with the request and mailed copies of both the Notice of Intent to Deny and Notice of Denial to the applicant on July 31, 2003. However, as of the date of this decision, the applicant has failed to submit a brief, statement, or documentation addressing the basis of the director's denial.

The applicant also requested that he be provided the opportunity to present oral argument in support of his appeal. Pursuant to 8 C.F.R. § 103.3(b), a request for oral argument must set forth facts explaining why such argument is necessary to supplement the appeal. Oral argument will be denied in any case where the appeal is found to be frivolous, where oral argument will serve no useful purpose or where written material or representations will appropriately serve the interests of the applicant. The applicant's request did not set forth an explanation of why oral argument is necessary nor did it establish that the material submitted will not appropriately serve the interests of the applicant. Accordingly, the request for oral argument is denied.

In order to be eligible for temporary resident status as a special agricultural worker, an alien must have engaged in qualifying agricultural employment for at least 90 man-days during the twelve-month period ending May 1, 1986, and must be otherwise admissible under section 210(c) of the Immigration and Nationality Act (Act) and not ineligible under 8 C.F.R. § 210.3(d). 8 C.F.R. § 210.3(a). An applicant has the burden of proving the above by a preponderance of the evidence. 8 C.F.R. § 210.3(b).

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. The applicant has failed to



address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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