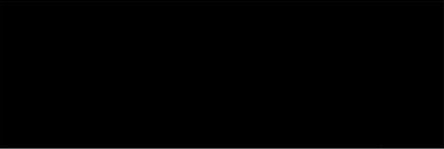




U.S. Citizenship
and Immigration
Services

24



FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER

Date: OCT 14 2004

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: Self-represented

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, Director
Administrative Appeals Office

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**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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 on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to submit a complete application within the time permitted as required of S-9 preliminary applicants.

On appeal, the applicant indicated that he had worked for [REDACTED] as claimed. He provides photocopies of affidavits purportedly signed by Mr. [REDACTED].

The applicant was admitted to the United States at Calexico, California on April 29, 1988 as an S-9 applicant who established a preliminary claim to eligibility for temporary resident status as a special agricultural worker. The applicant was admitted for a period of 90 days in accordance with 8 C.F.R. § 210.2(c)(4)(iii), and was required, within that 90 day period, to submit a complete application, along with a Fingerprint Card, Form FD-258, to any legalization office. A complete application had to include evidence of qualifying employment, evidence of residence, a report of medical examination and the prescribed number of photographs. 8 C.F.R. § 210.1(d).

The record indicates that, at the time the preliminary application was presented, the applicant signed an Immigration and Naturalization Service advisory statement acknowledging awareness of the requirements for submission of the required documents within the initial 90-day period.

Pursuant to Legalization Wire CO-1588-C, dated November 28, 1989, the 90-day period within which S-9 applicants were required to submit their complete applications was extended until December 31, 1989. If an S-9 applicant failed to submit a complete application in accordance with the above, his application was to be denied for lack of prosecution. 8 C.F.R. § 210.2(c)(4)(iii).

The applicant was permitted until December 31, 1989 to submit a complete application; however, he failed to submit all the necessary documents, namely proof of employment. Thus, he failed to submit a complete application within the time permitted. The photocopied affidavits furnished with the March 10, 1993 appeal cannot be considered; proof of employment had to have been filed by December 31, 1989. The applicant has failed to meet the regulatory requirements for eligibility as a special agricultural worker and is, therefore, ineligible for temporary resident status.

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