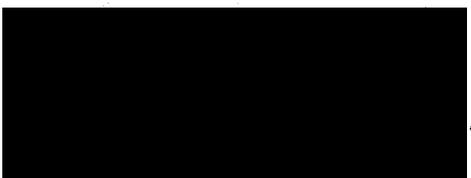




U.S. Citizenship
and Immigration
Services

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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, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The Director, Western Service Center originally denied the application because the applicant had failed to establish that he had engaged in *qualifying agricultural employment* during the requisite period. After receiving the appeal, the Director, California Service Center served a notice of intent to deny on the applicant, based on the fact that the applicant had been arrested and possibly convicted. The applicant did not respond to that notice. The director then denied the application because the applicant did not establish that his arrest did not result in a conviction. The applicant did not file another appeal or respond in any way. Both notices were sent to the applicant's correct address.

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 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 the second 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.