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

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:

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

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center. It is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application for lack of prosecution because the applicant failed to appear for the required interview regarding his Application for Temporary Residence as a Special Agricultural Worker.

On appeal, the applicant explains that he was unable to attend the interview because of a death in his family.

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).

Pursuant to 8 C.F.R § 210.2(c)(2)(iv), each alien who filed his application in the United States, regardless of age, must appear at the appropriate Immigration and Naturalization Service (the Service) office and must be fingerprinted. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived when it is impractical because of the health of the applicant.

The applicant was scheduled for his interview on December 27, 1988. However, he failed to appear. Judging from notes on Form I-689 (INS Copy) in the record, the applicant was rescheduled for March 14, 1989. However, there is no file copy of a letter to him advising him of that date.

On appeal, the applicant indicates that his appointment was for December 24, 1989. It is not clear if he meant to say 1988. There is no indication that the director set up and notified the applicant of a December 24, 1989 appointment. The applicant explains that his father died on December 12, and he therefore could not appear for the interview. No evidence of the death has been provided. There is no letter in the file from the applicant from 1988 or 1989 requesting another appointment.

The applicant was provided with an opportunity to appear for his interview. He has failed to comply with Service requirements. Therefore, the applicant is ineligible for temporary resident status as a special agricultural worker.

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