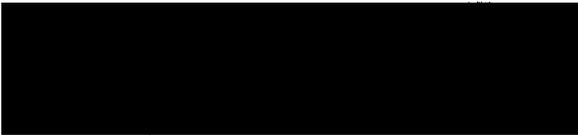


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disclosure of personal privacy



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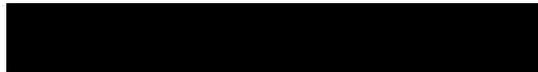


Office: CALIFORNIA SERVICE CENTER

Date: JUN 10 2005

IN RE:

Applicant:



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. 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, 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. Wismann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the District Director, San Diego, California, reopened and denied again by the Director, Western Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The directors 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 the applicant's statement to an Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS) officer that she did not work as claimed on her application.

Whenever an application for special agricultural worker status is denied or the status of a lawful temporary resident is terminated, the alien shall be given written notice setting forth the specific reasons for the denial on Form I-692, Notice of Denial. Form I-692 shall also contain advice to the applicant that he or she may appeal the decision and that such appeal must be taken within **30 days** following service of the notification of decision. 8 C.F.R. § 103.3(a)(3)(i). An appeal received after the thirty (30) day period has tolled will not be accepted for processing. 8 C.F.R. § 103.3(a)(3)(iv). Form I-694, Notice of Appeal, shall be used to file the appeal and must be accompanied by the appropriate fee. 8 C.F.R. § 103.3(a)(3)(ii). Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, three days shall be added to the prescribed period. Service by mail is complete upon mailing. 8 C.F.R. § 103.5a(b).

The district director denied the application on January 28, 1988. The record does not contain an appeal from that decision. The center director issued the Notice of Denial on May 5, 1992, and sent it to the applicant's address of record via certified mail. The record contains a postal return receipt which was signed and returned to CIS, acknowledging receipt of CIS's notice. The appeal was received by CIS on October 21, 1996. The appeal was untimely filed and, therefore, must be rejected.

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