

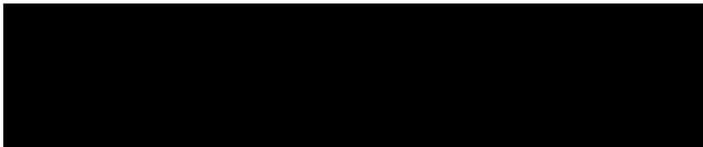
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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services



L4

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **SEP 16 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. 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 submit a complete application within the time permitted as required of S-9 preliminary applicants.

On appeal, the applicant states that she never received a copy of the Notice of Decision in her case. The applicant was provided with a copy of the record of proceedings containing the decision on December 18, 1996. The applicant states that she had other employment during the qualifying period for which she is submitting documentary evidence. However, the record does not contain any documentary evidence in support of any claimed employment.

The applicant was admitted to the United States at Calexico, California on June 10, 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 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 a 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, her 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, she failed to submit all the necessary documents, namely the evidence to support her claimed employment. Thus, she failed to submit a complete application. The applicant has failed to meet the statutory 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.