

**PUBLIC COPY**

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



U.S. Citizenship  
and Immigration  
Services

L4

[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER

Date: FEB 27 2006

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. 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

FEB 27 2006 - 0744210

2

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center, remanded by the Administrative Appeals Office (AAO), and denied again by the Director, California Service Center. The matter is now before the AAO on appeal. The appeal will be dismissed.

The director initially denied the application because of credibility issues raised by the applicant's claimed employment for Felipe Banda. The director finally denied the application because the applicant failed to appear and submit a current Form FD-258, Fingerprint Card.

On appeal from the initial denial, the applicant submitted a statement written in Spanish. The record does not contain a response to the final notice.

On June 21 1994, the case was remanded for a new decision fully addressing all the evidence. On September 1, 2004, the applicant was requested to appear at the U.S. Citizenship & Immigration Services (USCIS) office in Oakland, California during the 87 day period beginning September 25, 2004, to be fingerprinted and have his fingerprints examined for eligibility by the FBI. The notice was returned to the Service unclaimed. Thus, the applicant's failure to receive the notice is due to his own making. On January 24, 2005, the director denied the application because the applicant failed to appear for the required fingerprinting.

As of March 29, 1998, applicants for Temporary Resident Status as a Special Agricultural Worker (I-700) are required to be fingerprinted at a USCIS Application Support Center or USCIS approved Designated Law Enforcement Agency.

Declarations by an applicant that he /she has not had a criminal record are subject to verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. 8 C.F.R. § 210.3(b)(3) states all evidence regarding admissibility and eligibility submitted by an applicant for adjustment of status will be subject to verification by the Service. Failure by an applicant to release information may result in the denial of the benefit sought. Additionally, 8 C.F.R. § 210.3(c) states in part: "A complete application for adjustment of status must be accompanied by proof of identity, evidence of qualifying employment, evidence of residence, and such evidence of admissibility or eligibility as may be required by the examining immigration officer in accordance with such requirements specified in this part."

The applicant failed to appear as required for fingerprinting. Consequently, the applicant has not met the required burden of proof establishing admissibility or eligibility for temporary resident status as a Special Agricultural Worker.

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

**PUBLIC COPY**

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



U.S. Citizenship  
and Immigration  
Services

L4

FILE:

Office: CALIFORNIA SERVICE CENTER

Date: FEB 27 2006

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 establish the performance of at least 90 man-days of qualifying agricultural employment during the eligibility period. This determination was based on information obtained by Citizenship and Immigration Services (CIS), formerly the Immigration and Naturalization Service (INS), regarding the applicant's claimed employment for Anna Wickersham.

On appeal, the applicant requested a copy of her legalization file. CIS complied with the request on May 22, 2004. The applicant states that upon receipt of a copy of her file she will submit a full statement regarding the reason(s) for her appeal. Over a year and a half later, she has not furnished a brief, nor has she made any additional statements regarding her reasons for appeal or the reasons for the denial of her application.

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 in the 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.