



U.S. Citizenship
and Immigration
Services

[REDACTED]

L4

FILE: [REDACTED]
XAT-89-058-00035

Office: TEXAS SERVICE CENTER

Date: JUN 29 2008

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:

[REDACTED]

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, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Southern Service Center, then remanded by the Legalization Appeals Unit, now the Administrative Appeals Office. The matter was reopened and denied again by the Director, Texas Service Center. It is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors 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 requested a letter stating the reasons for the denial of his 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).

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 Service legalization 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 application was denied on January 28, 1991, after the applicant failed to appear for three separate interviews; January 31, 1989, on or before February 28, 1989, and May 26, 1989. The case was reopened and the applicant was rescheduled for an interview on January 12, 1995. Counsel submitted a letter to the Service stating that the applicant would be unable to attend the interview. The interview was rescheduled for February 9, 1995. Counsel informed the Service that the applicant was out of town and did not expect to return until April 1995. The interview was rescheduled for April 20, 1995. However, the interview notice was returned undeliverable.

The applicant was provided with six opportunities 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.