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U.S. Citizenship
and Immigration
Services

L4



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAR 07 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The temporary resident status of the applicant was terminated by the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant appears to be represented. However, the record does not contain a Form G-28 Notice of Appearance as Attorney or Representative from the applicant's current attorney. The applicant's previous representative has withdrawn. Therefore, the decision will be furnished only to the applicant.

The director terminated the applicant's temporary resident status because of the applicant's criminal record.

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).

The record reflects that the applicant submitted an appeal from the Notice of Termination dated May 20, 1991. The record does not contain that appeal. On August 20, 2004, Citizenship and Immigration Services (CIS) requested that the applicant submit a duplicate copy of his appeal or a new appeal form and forwarded to the applicant blank Forms I-694 Notice of Appeal of Decision for that purpose. The request was sent to the applicant's most current address of record. The record contains a signed certified mail return receipt acknowledging delivery of the notice. However, the applicant did not respond. In the absence of a Form I-694, it cannot be concluded that the applicant has complied with the regulatory requirements as set forth at 8 C.F.R. § 103.3(B)(2) (ii).

Further, 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. A review of the decision reveals the director accurately set forth a legitimate basis for denial. The applicant has not challenged the basis for denial. The appeal must therefore be summarily dismissed.

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