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U.S. Department of Homeland Security
20 Massachusetts Ave. NW, Rm. A3042
Washington, DC 20529

U.S. Citizenship
and Immigration
Services

[redacted]

26

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: MAR 01 2005

IN RE: Applicant: [redacted]

PETITION: 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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter 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, reopened and again denied by the Director, Western Service Center. It is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director 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 from the director's initial decision, the applicant states that he never received an appointment. The applicant did not file a Form I-694 Notice of Appeal of Decision from the director's final decision.

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 applicant was scheduled for his interview on December 12,1988. However, he failed to appear. The applicant was subsequently notified in writing on February 11, 1989 that he was scheduled for a second interview on February 25, 1989. He was also advised that if he did not appear for this interview, his application would be denied for lack of prosecution. The applicant once again failed to appear. Accordingly, the director denied the application on November 21, 1990, as the applicant had failed to present himself for his required interview.

Subsequently, the application was reopened. The applicant was notified in writing that he was scheduled for an interview on December 22, 1992. The applicant failed to appear for the interview. Thereafter, the applicant was sent a notice informing him that he was scheduled for an interview on March 15, 1993. The applicant again failed to appear for the interview. Therefore, the director again denied the application on September 18, 2001.

The applicant was provided with four 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.