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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

JUN 30 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: This is the termination of temporary resident status as a special agricultural worker by the Director, Western Service Center, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary resident status because in applying for other benefits under the Act, the applicant submitted evidence which contradicted his claimed employment in agriculture.

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 decision dated March 4, 1992. The record does not contain that appeal. On April 1, 2002, Citizenship and Immigration Services (CIS) requested that the applicant submit a duplicate copy of her appeal or a new appeal form and forwarded to the applicant blank Forms I-694 Notice of Appeal of Decision for that purpose. The applicant did not respond to the director's request. In the absence of a Form I-694, it cannot be concluded that the applicant waged a meaningful appeal.

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. Based on the record of proceedings, the applicant has not demonstrated that he addressed the reasons stated in the denial, nor that he 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.