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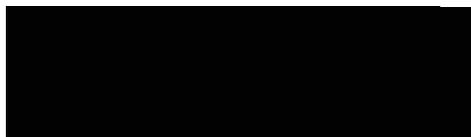
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS2090  
Washington, DC 20529-2090



U.S. Citizenship  
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FILE: [REDACTED]  
XHO 89 099 6240

Office: LOS ANGELES

Date: **OCT 28 2009**

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the Director, Los Angeles, and is now before the Administrative Appeals Office (AAO). The appeal will be dismissed.

In a decision dated April 13, 2007, the director denied the application for Group 2 Special Agricultural Worker status because the applicant failed to establish that he was eligible for the benefit sought. The director noted that the applicant had been arrested six times. The director issued a Form I-72 to the applicant, requesting the final court dispositions for each of the arrests. On June 29, 2006, the applicant submitted records from the Department of the Ventura Superior Court indicating that the court records have been destroyed, and that only one of the six charges was dismissed. The director concluded that, in accordance with Section 245A.4(B), the applicant failed to establish his eligibility for temporary resident status under Section 210 of the Act.

On appeal, the applicant indicates that “there is no evidence whatsoever that the applicant was convicted of a felony or three misdemeanors.” However, the applicant, through counsel, does not address the court records or provide any additional information which would indicate that the six arrests did not result in conviction.

The Attorney General [now Secretary, Department of Homeland Security] may deny adjustment to permanent residence and terminate the temporary residence status of a special agricultural worker if the applicant is convicted of a felony or three or more misdemeanors in the United States. Section 210(a)(3)(B)(ii) of the Immigration and Nationality Act (INA)(the Act), 8 U.S.C. § 1160(a)(3)(B)(ii). An applicant is ineligible for temporary residence if he or she has been convicted of any felony or three or more misdemeanors in the United States. 8 C.F.R. § 210.3(d)(3).

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 for 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