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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] Office: CALIFORNIA SERVICE CENTER Date: **JAN 06 2010**  
XSF 88 532 3056

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, Western Service Center, and is now before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director denied the application, finding the applicant had failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the 12-month period ending on May 1, 1986.

The director issued a notice of intent to deny (NOID) the application. The director indicated that he intended to deny the application because the applicant had claimed employment with [REDACTED]. As evidence to support her claim, she submitted employment documentation signed by [REDACTED]. The director informed the applicant that [REDACTED] was convicted of seventeen felony counts of conspiracy, aiding and abetting, and creating and supplying false application documents for adjustment of status. The director further informed the applicant that an investigation revealed that [REDACTED] did not employ or supervise anyone in any capacity in agriculture during the Special Agricultural Worker qualifying period. In response to the NOID, the applicant requested a copy of the record of proceeding. The request was satisfied on December 16, 1991.

The director denied the application on March 6, 1992, finding that the applicant had failed to respond to the NOID. The applicant filed an appeal and again requested a copy of the record of proceeding (ROP) under the Freedom of Information Act (FOIA). She indicated that she would submit additional information following receipt of the record of proceedings. The Legalization Appeals Unit remanded the case to the director to allow him to send a copy of the ROP to the applicant's attorney of record. The FOIA request was completed on March 6, 2009 (NRC2008015386) and on April 18, 2009 (NRC2006042701). The applicant has not submitted any further documentation into the record or responded to the issues raised in the notice of 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). 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).

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 record reflects that the director set forth a legitimate basis for denial of the application. 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.