

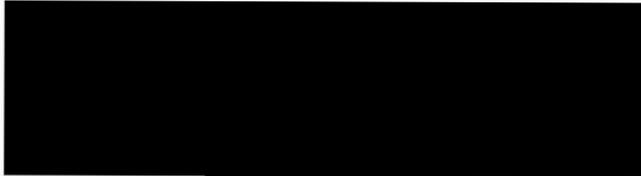
**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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



**U.S. Citizenship
and Immigration
Services**

PUBLIC COPY



L1

FILE: [REDACTED]
XLT-88-082-1040

Office: NEBRASKA SERVICE CENTER

Date: **JAN 13 2010**

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:

SELF-REPRESENTED

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

A review of the record of proceedings indicates that the applicant filed a Form I-700 Application for Temporary Resident Status pursuant to Section 210 of the Immigration and Nationality Act (INA). The application was denied on June 22, 1990. On April 15, 1991 United States Citizenship and Immigration Services (USCIS) reopened the application and on May 21, 1991, the applicant was requested to provide a completed Form I-693 and proof of 90 man-days of qualifying field work performed between May 1, 1985 and May 1, 1986. The record does not include the requested information, however, a final decision was not made on the application. Thus, the director issued a Form I-72 on June 16, 2008, providing the applicant one additional opportunity to submit the required information.

In response, the applicant submitted the medical exam form, and indicated that he lived at [REDACTED] in Lake Placid, Florida from April 1985 until November 1985. He failed to submit the Form I-705 and indicated that [REDACTED] with whom the applicant claimed employment during the relevant period, refused to submit an affidavit attesting to his employment.

In a decision dated August 28, 2008, the director denied the application for Group 2 status because the applicant 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. This determination was based on the applicant's failure to provide proof of qualifying employment during the period May 1, 1985 until May 1, 1986.

On appeal, the applicant indicates that he does not have any additional evidence to substantiate his claims. He indicates only that he contacted [REDACTED] once again and provides a copy of a letter that he sent to [REDACTED]

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 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.