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U.S. Department of Homeland Security  
20 Mass. Avenue, N.W., Rm. A3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

## PUBLIC COPY

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FILE:

Office: VERMONT SERVICE CENTER

Date: JUL 28 2006

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:

### 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.

*Mari Johnson*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the Director, Eastern Regional Processing Center, and then remanded by the Legalization Appeals Unit, now the Administrative Appeals Office (AAO). The application was then denied by the Director, Eastern Regional Processing Center, and is now before the AAO on appeal. The appeal will be dismissed.

The director concluded the documentation submitted did not satisfy the applicant's burden of proof of having performed qualifying agricultural employment. This decision was based on adverse information acquired by the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS), relating to the applicant's claim of employment for [REDACTED]

On appeal, the applicant requested an additional 45 days in order to gather evidence to support his claim to eligibility. Almost sixteen (16) years later, he has not furnished a brief, nor has he made any additional statements regarding his reasons for appeal or the reasons for the denial of his application.

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 in the 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.