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U.S. Department of Homeland Security
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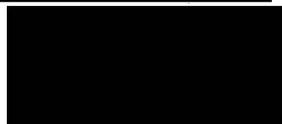


U.S. Citizenship
and Immigration
Services

PUBLIC COpy



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **OCT 06 2006**

INRE:

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center. The case was remanded by the Legalization Appeals Unit, now the Administrative Appeals Office(AAO). The matter is now before the AAO on appeal. The appeal will be summarily dismissed.

The director denied the application because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the eligibility period ending May 1, 1986. This determination was based on adverse information regarding the applicant's claim of employment for Frank Vega.

On appeal, the applicant did not address the basis for the denial of the application or provide any evidence to overcome the director's findings. The applicant requested a copy of the record of proceedings (RaP). The applicant asserted that a brief would be submitted within 30 days following the receipt of the Rap request.

On February 7, 2000, the case was remanded for processing of the applicant's Rap request. Citizenship and Immigration Services complied with the applicant's request on May 20, 2004 and, to date, no brief and/or evidence has been provided by the applicant.

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 I, 1986, and must be otherwise admissible under section 210(c) of the Immigration and Nationality 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.