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U.S. Citizenship
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Services

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[Redacted]

FILE: [Redacted]
XAH 89 046 06161

Office: California Service Center

Date: JUN 20 2007

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:

[Redacted]

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. 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.

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

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, and is now before the Administrative Appeals Office on appeal. The appeal will be 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. This decision was based on adverse information relating to the applicant's claim of employment for [REDACTED], who falsely claimed to be a payroll clerk/farmer labor contractor for [REDACTED] in Mecca, California.

On appeal, counsel stated that she had simultaneously filed a Form G-639 Freedom of Information Act (FOIA) request for a copy of the record of proceeding. Counsel asserted that the applicant believed his application was wrongfully denied and indicated that she reserved the right to amend her appellate statement and submit a brief after receipt of a copy of the record of proceeding. A copy of the applicant's record of proceeding was mailed to counsel on November 26, 2003. To date, neither counsel nor the applicant has submitted a brief or any evidence to supplement the appeal.

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.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.