



U.S. Citizenship  
and Immigration  
Services

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FILE:

XAL 88 262 02021

Office: CALIFORNIA SERVICE CENTER

Date: JUN 21 2007

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

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the Director, Southern Service Center, reopened, and denied again by the Director, California Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The Director, Southern Service Center, 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.

On appeal, the representative requested a copy of the record of proceedings (ROP), and asserted that a brief would be submitted within 30 days following the receipt of the ROP request.

The record reflects the director complied with the representative's request for a copy of the ROP on March 18, 1992. However, to date, no additional correspondence has been presented by either the representative or the applicant.

The Director, California Service Center, denied the application for lack of prosecution because the applicant failed to appear for his scheduled interviews.

The applicant has neither addressed the subsequent decision nor provided any evidence to overcome the director's finding.

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 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.