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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship and Immigration Services

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FILE: [Redacted]
XBA 89 100 04007

Office: CALIFORNIA SERVICE CENTER

Date AUG 26 2008

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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the National Benefits Center. 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, California Service Center.¹ The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application based on the determination that the applicant was convicted of two crimes involving moral turpitude and was therefore inadmissible to the United States. Based on his inadmissibility, the director determined that the applicant was ineligible for temporary resident status pursuant to 8 C.F.R. § 210.3(d)(2).

On appeal, the applicant stated that he believed denial of his application was erroneous and claimed that he intended to seek someone to represent him in the present matter. The applicant further stated that a brief would be submitted as soon as he obtained legal representation to review his legalization file. The record also shows that on September 17, 1998, a copy of the applicant's record was sent to his last known address and a full decision was issued by the director on August 23, 2007, thoroughly explaining the basis for denial. To date, however, ten months since the director's decision was issued and more than fifteen years since the applicant originally submitted his Form I-694, no further evidence or information has been received.

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.

¹ The record shows that a notice of intent to deny was issued on September 23, 1991. Although the applicant submitted a Form I-694 (which was received on September 23, 1992), appealing an adverse decision, a copy of the final notice of denial was not located at the time the AAO initially reviewed the applicant's record. Accordingly, the AAO remanded the matter, instructing the director to supplement the record with a final notice of decision. The director has since reviewed the record and reopened the matter, issuing a new decision dated August 23, 2007, where the basis for denial is clearly stated.