



U.S. Citizenship
and Immigration
Services

L1

DEC 02 2009

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:
XSF 890 422 004

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
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 (AAO). The appeal will be dismissed.

The director denied the application for Group 2 Special Agricultural Worker status because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the 12-month period ending on May 1, 1986. This determination was based on adverse information, provided to the applicant.

The director noted that the applicant submitted employment documentation allegedly signed by [REDACTED] farm labor contractor, indicating the applicant had been employed at various farms, including the [REDACTED]. The director informed the applicant in a notice of intent to deny (NOID) that the Service had contacted the [REDACTED] and learned that [REDACTED] had never been associated with them in any capacity. The director further informed the applicant that [REDACTED] provided the Service with a list of individuals for whom they issued employment verification and the applicant's name was not on the list.

The applicant provided a rebuttal to the NOID in the form of statements from two co-workers who claimed that they had worked with the applicant for [REDACTED]. The director denied the application.

The applicant filed the appeal and requested a copy of the record of proceedings. The Administrative Appeals Office remanded the file to the director to process the request. On June 5, 2007, the Freedom of Information Act (FOIA) request was processed (NRC 2006024502). The applicant has not submitted any further documentation into the record or responded to the issues raised in the notice of decision.

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 record reflects that the director set forth a legitimate basis for denial of the application. 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.