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U.S. Citizenship
and Immigration
Services

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41



FILE: [Redacted]
XHP-88-143-2021

Office: CALIFORNIA SERVICE CENTER

Date: **MAR 03 2009**

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 "John E. Grissom".

John E. Grissom, Acting Chief
Administrative Appeals Office

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

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).

In a decision dated January 10, 1992, 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 12-month period ending on May 1, 1986. This determination was based on adverse information regarding the applicant's claim of employment for [REDACTED]

The record reflects that the director issued a Notice of Intent to Deny (NOID) to the applicant on November 18, 1991 noting that the applicant's stated employer, [REDACTED] submitted documentation in support of the application. In this affidavit, [REDACTED] lists his employer as [REDACTED]. However, employment documentation provided to United States Citizenship and Immigration Services (USCIS) by [REDACTED] fails to include [REDACTED] as [REDACTED] employee during the relevant period. Noting this inconsistency, the director provided the applicant with an opportunity to respond.

In response to the NOID, the applicant submitted a second Form I-705 employer affidavit from [REDACTED] indicating that he employed the applicant during the period October 1985 until January 1986 for a total of 93 man-days. The applicant also submitted an affidavit from [REDACTED] who indicates that he was the foreman for [REDACTED] during 1985 and 1986, and that during this period, the applicant was employed by him as a farm laborer. Additionally, the applicant submitted a fellow-worker affidavit from [REDACTED] indicating that she and the applicant both worked for [REDACTED] during the relevant period. The applicant did not list this employment on his I-700 application. Additionally, the veracity and credibility of this evidence is diminished by the unexplained inconsistencies noted with respect to the applicant's claimed employment with [REDACTED]. The director denied the application on January 10, 1992.

On appeal, the applicant requests information under the Freedom of Information Act (FOIA) and indicates that the denial of his case was erroneous. The FOIA request was processed on November 30, 2008. The applicant provides no additional information or evidence to support his claim.

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.