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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED]
XOX 88 101 2086

Office: CALIFORNIA SERVICE CENTER

Date: **JAN 06 2010**

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.

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 application was initially denied because the applicant failed to demonstrate that he had performed at least 90 man-days of qualifying agricultural employment during the 12-month period ending May 1, 1986. This determination was based on adverse information regarding the applicant's claim of employment for the applicant's asserted employer, [REDACTED]. The director denied the application, and the applicant appealed. The AAO remanded. On remand, the director fulfilled the applicant's request for information under the Freedom of Information Act (FOIA). The record indicates that the FOIA request was fulfilled on January 13, 1999. The director returned the record to the AAO for adjudication of the appeal.

Following receipt of the record of proceedings, the applicant has not submitted any further documentation into the record or responded to the issues raised in the notice of decision. It is noted that the applicant submitted a letter from [REDACTED] dated July 29, 1991, indicating that he was employed as a farm worker from December 1985 until April 20, 1986. This letter was submitted in response to the Notice of Intent to Deny (NOID) issued on June 28, 1991. However, the applicant does not list this employer on his Form I-700, nor does he respond to the derogatory information noted by the director regarding [REDACTED]. For this reason, the AAO finds this letter irrelevant and not probative of the issues in this appeal.

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 mailed a courtesy copy of the decision to the applicant at his last known address. 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.