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



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

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FILE:

[REDACTED]  
XLS 89 101 09017

Office: NEBRASKA SERVICE CENTER

Date: **MAR 11 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. All documents have been returned to the office that originally decided your case. 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.

*Elizabeth McCormack*

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Northern Service Center. The matter was remanded by the Administrative Appeals Office (AAO). The application was then denied by the Director, Nebraska Service Center, and is before the AAO on appeal. The appeal will be dismissed.

The application was initially denied because the applicant failed to demonstrate that he had performed qualifying agricultural employment during the 12-month period ending May 1, 1986. This decision was based, in part, on adverse information. On appeal, the Legalization Appeals Unit remanded the case, finding the record did not contain said adverse information. On remand, the director denied the case again, finding the applicant failed to comply with the fingerprint requirements and therefore failed to establish his eligibility for adjustment of status. The AAO remanded the case again, finding a discrepancy in the fingerprint notice. The director again notified the applicant of a scheduled appointment for fingerprinting. The applicant failed to appear for the appointment or otherwise respond. The director denied the application.

The applicant failed to supplement the record or explain his failure to appear for fingerprinting.

An alien applying for adjustment of status has the burden of proving by a preponderance of the evidence that he or she is admissible to the United States under the provisions of section 210(c) of the Act, 8 U.S.C. § 1160, and is otherwise eligible for adjustment of status under this section. 8 C.F.R. § 210.3(b)(1). The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.