

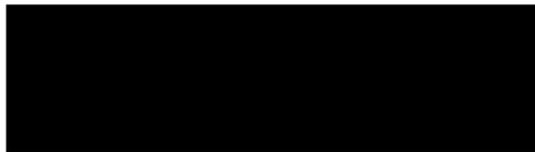
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090



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

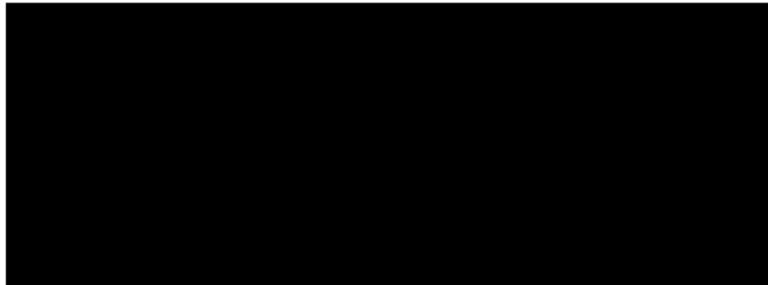


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Date: **AUG 20 2012**

Office: TUCSON

FILE: 

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. 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 Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, was initially denied by the Director, Western Service Center, and appealed to the Administrative Appeals Office (AAO). The AAO withdrew the director's decision and remanded the case for further action. The Director, Tucson office denied the application and certified his decision to the AAO for review. The director's certified decision will be affirmed.

The applicant submitted a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker under section 210 of the Immigration and Nationality Act, 8 U.S.C. § 1160. On December 13, 1991, the Director, Western Service Center, denied the application because the applicant failed to establish the performance of at least 90 days of qualifying agricultural employment during the eligibility period. This decision was based upon adverse evidence obtained in attempts to verify the applicant's claimed employment with [REDACTED] a farm labor contractor for Action Produce in Cochise, Arizona. The adverse information was in the form of a handwritten list attached to an affidavit, both from Ms. [REDACTED].

On July 19, 1993, the applicant appealed the director's decision.¹

On May 12, 1999, the AAO withdrew the director's decision and remanded the case for further action. The AAO determined that, since the handwritten list contained in the applicant's file did not fit the description provided by [REDACTED] and was not attested to by Ms. [REDACTED], it did not appear that the evidence of record was sufficient to refute the applicant's claim of employment for [REDACTED].

On July 24, 2012, the Director, Tucson office, denied the I-700 application, finding that the applicant abandoned the application, pursuant to 8 C.F.R. § 103.2(b)(13), by failing to appear for scheduled interviews on September 4, 2009 and March 3, 2010, respectively.²

Volume 8 of the Code of Federal Regulations (8 C.F.R.) § 103.2(b)(13) states in pertinent part:

Effect of failure to respond to a request . . . to appear for interview . . . if USCIS [United States Citizenship and Immigration Services] requires an individual to appear for . . . an interview . . . but the person does not appear, the application or petition shall be considered abandoned and denied, unless by the appointment time USCIS has received a change of address or rescheduling request that the agency concludes warrants excusing the failure to appear.

The record indicates that the applicant failed to appear for two scheduled interviews. Accordingly, the district director properly denied the application due to abandonment.

¹ The AAO notes that the applicant's appeal was untimely filed.

² The record reflects that the interview notices were sent to the applicant's address of record, and were not returned as undeliverable by the U.S. postal service.

ORDER: The director's certified decision dated July 24, 2012 is affirmed. The application is denied.