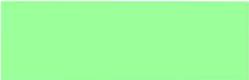
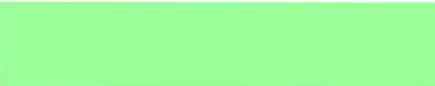


(b)(6)



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

Date: **SEP 09 2013** Office: TEXAS SERVICE CENTER 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:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

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

In a decision dated October 2, 1991, the director denied the application for Group 2 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, in part, on the applicant's sworn statement that he had worked on 45 days in agriculture. The applicant indicated that the information he provided on his Form I-700 that he worked 234 days for [REDACTED] during the period, was not true.

The applicant filed the appeal. He failed to provide any reason for this appeal. 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.

The AAO notes that the applicant's criminal history is another basis for dismissing the appeal. An alien who has been convicted of a felony or three or more misdemeanors in the United States is ineligible for temporary resident status. 8 C.F.R. § 210.3(d)(3).

The record shows that the applicant has been arrested on 11 occasions. On March 8, 1997, the [REDACTED] arrested the applicant and charged him of violating section 66-8-102(D) of the New Mexico Statutes Annotated (N.M. Stat. Ann), *aggravated driving while intoxicated*. He was convicted on the charge on April 29, 1997. Case M-49-DR-9700199. On August 26, 2012, the Santa Fe Sheriff's Office arrested the applicant and charged him of violating § 66-08-102(C)(1) N.M. Stat. Ann, *driving while intoxicated*; § 66-07-317 N.M. Stat. Ann, *fail to maintain traffic lane*; and section 66-05-039 N.M. Stat. Ann, *driving while license suspended*. He was found guilty on all three charges on October 16, 2012. Case M-49-DR-201200386. The applicant has at least four misdemeanor convictions and is ineligible for special agricultural worker status for this additional reason.

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