

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

LU



FILE: [REDACTED]
XTO 89 020 4173

Office: CALIFORNIA SERVICE CENTER

Date: AUG 16 2006

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. The file has been returned to the service center that processed 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The Director, California Service Center finally denied the application because the applicant failed to appear for fingerprinting. The record does not contain a response to the final notice.

On May 18, 2001, the case was remanded for the introduction of any additional adverse evidence. On September 3, 2004, the applicant was requested to appear at the U.S. Citizenship and Immigration Services (USCIS) office in Buena Park, California during the 87-day period beginning October 15, 2004, to be fingerprinted. The applicant failed to appear. On October 25, 2004 and again on April 5, 2005, the applicant was requested to appear and be fingerprinted at the CIS office in Buena Park, California on November 9, 2004 and April 20, 2005, respectively. The applicant failed to appear. The applicant has had three separate opportunities to appear and be fingerprinted, he has not responded to any of the notices. Therefore, on May 11, 2006, the director denied the application because the applicant failed to appear for the required fingerprinting.

As of March 29, 1998, applicants for Temporary Resident Status as a Special Agricultural Worker are required to be fingerprinted at a CIS Application Support Center or approved Designated Law Enforcement Agency.

Declarations by an applicant that he has not had a criminal record are subject to verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. 8 C.F.R. § 210.3(b)(3) states all evidence regarding admissibility and eligibility submitted by an applicant for adjustment of status will be subject to verification by the Service. Failure by an applicant to release information may result in the denial of the benefit sought. Additionally, 8 C.F.R. § 210.3(c) states in part: "A complete application for adjustment of status must be accompanied by proof of identity, evidence of qualifying employment, evidence of residence, and such evidence of admissibility or eligibility as may be required by the examining immigration officer in accordance with such requirements specified in this part."

The applicant failed to appear as required for fingerprinting. Consequently, the applicant has not met the required burden of proof establishing admissibility or eligibility for temporary resident status as a Special Agricultural Worker.

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