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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: VERMONT SERVICE CENTER
XMA-88-316-4050

Date:

FEB 27 2009

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:



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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief
Administrative Appeals Office

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

The director denied the application 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. The director also noted that the applicant submitted a Form I-705 affidavit signed by [REDACTED]. The affiant indicated that the applicant performed 96 man-days of seasonal agricultural labor while employed by [REDACTED] between June 1985 and October 1985. The director noted that, as a result of United States Citizenship and Immigration Services (USCIS) attempts to verify the employment, USCIS learned that [REDACTED] submitted a statement to USCIS that he does not own a farm at the address provided by the applicant, and that he has never employed immigrants on his farm. Accordingly, the director denied the application on November 13, 1990. A copy of the decision was mailed to the applicant's attorney of record.

The applicant filed an appeal on December 17, 1990, indicating that he believed that [REDACTED] statements were incorrect and self-serving. The applicant has not submitted any further documentation into the record or further 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 mailed a copy of the decision to the applicant at his last known address and to his attorney of record. 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.