

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**



(b)(6)



Date: Office: NEBRASKA SERVICE CENTER FILE: 
OCT 02 2014

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:



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,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Lincoln Regional Processing Facility [now known as the Nebraska Service Center] Director denied the application for temporary resident status as a special agricultural worker. The matter is now before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director denied the application, finding the applicant's felony conviction rendered him ineligible for temporary status as a special agricultural worker.

On appeal, the applicant asserts that he had served his time and had not subsequently done anything wrong.¹

An applicant is ineligible for temporary residence if he or she has been convicted of any felony or three or more misdemeanors in the United States. 8 C.F.R. § 210.3(d)(3).

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).

In a notice of adverse information, dated December 14, 1990, the director advised the applicant that evidence in his file indicated, *inter alia*, that he had been arrested on June 18, 1980 in ██████████ County, ██████████ for Burglary 2nd Degree, convicted and sentenced to 10 years in prison. The director further advised the applicant that information in his file indicated that he had been arrested on August 8, 1982 by the ██████████ Police Department in Washington State for driving while intoxicated. The director informed the applicant that he had thirty days to submit evidence to overcome this adverse information. The applicant failed to respond to the notice.

The applicant has failed to establish his eligibility for temporary resident status as a special agricultural worker.

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.

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

¹ The record indicates that the applicant's request for a copy of his record of proceedings was processed on May 13, 1988.