



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

(b)(6)



Date: **JUN 18 2015**

FILE: [REDACTED]

APPLICATION RECEIPT: [REDACTED]

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:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case. This decision is final as you are not entitled to file a motion to reopen or reconsider your case.

Thank you,

A handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

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

The director denied the application for lack of prosecution, finding that the applicant failed to appear for his scheduled interview.

On appeal, the applicant asserts that he never received an interview notice. He states that this is because he had problems with his brother and he only learned of the scheduled interview when he received the denial notice.¹

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).

Each applicant, regardless of age, must appear at the appropriate U.S. Citizenship and Immigration Services legalization office and must be fingerprinted for the purpose of issuance of Form I-688A. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived when it is impractical because of the health of the applicant. 8 C.F.R. § 210.2(c)(2)(iv).

The applicant asserts, on appeal, that he did not receive an interview notice. We have reviewed the record of proceedings and found that the director correctly mailed the interview notices to the applicant at his last known address. On November 30, 1988, the director mailed the applicant a notice to appear for an interview on March 14, 1989, to the applicant's address of record. However, the applicant did not appear for this interview.

As stated previously, each applicant must appear at a legalization office to be interviewed by an immigration officer unless such an interview would be impractical because of the applicant's health. The applicant in this case has not shown that an interview would be impractical. The applicant was given an opportunity to appear for a legalization interview. The record reflects that the director mailed the interview notices to the applicant's last known address. The applicant did not appear for the interview. As such, the applicant has not complied with the application requirements for temporary resident status under section 210 of the Act. Therefore, the applicant's appeal must be dismissed.

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

¹ With the appeal, the applicant submits a notice of change of address. This address change occurred after the director sent the applicant his interview notice; therefore it does not affect the outcome of this matter.