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U.S. Citizenship
and Immigration
Services



LI

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 21 2005

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:

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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a Group 2 special agricultural worker was denied by the Director, Western 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 establish the performance of at least 90 man-days of qualifying agricultural employment during the statutory period.

On appeal, the applicant stated that she never received the Notice of Denial. The applicant was provided with a copy of the notice on April 14, 1998. The applicant stated that she worked in agriculture.

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, provided he is otherwise admissible under section 210(c) of the Act and is 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).

On the application, Form I-700, the applicant claimed 210 man-days employment for [REDACTED] Company at [REDACTED] from August 1987 to February 1988. In support of her claim, the applicant submitted a corresponding Form I-705 affidavit.

The director denied the application because the applicant failed to credibly establish the performance of qualifying agricultural employment for the requisite number of man-days.

On appeal, the applicant stated that she worked in agriculture. The applicant has not responded subsequent to being provided with a copy of the Notice of Denial.

The applicant's claimed employment occurred outside of the twelve-month eligibility period ending May 1, 1986. The applicant has neither claimed nor documented that he/she performed agricultural employment during the eligibility period. Consequently, the applicant is statutorily ineligible for adjustment to temporary resident status as a special agricultural worker.

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