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

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: JUN 30 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 black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Southern 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 reaffirmed his employment 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).

On the application, Form I-700, the applicant claimed a non-specific number of man-days employment for [REDACTED] in Comfort, Texas from April 20, 1983 to December 23 1985.

In support of his claim, the applicant submitted a Form I-705 affidavit claiming 2 ½ years employment for [REDACTED] planting, plowing and harvesting corn, tomatoes and peppers and a separate employment letter, both signed by [REDACTED]. The applicant also submitted four separate documents attesting to his residence in Comfort, Texas. None of the documentation submitted references the number of man-days the applicant worked from May 1, 1985 to December 23, 1985.

The director denied the application because applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the statutory period.

On appeal, the applicant fails to address the reason for the denial of his application, namely that he had not established that he worked 90 man-days for [REDACTED] during the period from May 1, 1985 to December 23, 1985.

The applicant's claimed employment of 2 ½ years from April 20, 1983 to December 23, 1985 does not address the minimum requirement of establishing that he worked at least 90 man-days of agricultural employment during that portion of the eligibility period (May 1, 1985 to May 1, 1986) that he claims employment, May 1, 1985 to December 23, 1985. 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.