

ing data deleted to
prevent clearly unwarranted
invasion of personal privacy

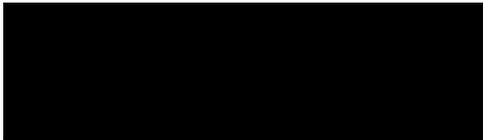
U.S. Department of Homeland Security
20 Mass Avenue, N.W. Rm. A3042.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

L1

PUBLIC COPY



FILE:



Office: TEXAS SERVICE CENTER

Date:

JUN 07 2006

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:

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.

Robert P. Wiemann, Chief
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 eligibility period. The applicant did not submit any employment evidence establishing that he worked during the qualifying period May 1, 1985 to May 1, 1986.

On appeal, the applicant stated that he never received a copy of the Notice of Denial in his case. The Service sent the applicant a copy of the Notice of Decision on December 15, 2005 and granted the applicant 45 days to respond. However, the applicant did not respond.

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).

On the application, Form I-700, the applicant claimed 231 man-days employment hoeing cotton for John McHenry in Oklahoma City, from April 1985 to December 1985 and 312 man-days of employment picking watermelons from January 1986 to December 1986. He provided no evidence of this claimed employment. The applicant submitted evidence of non-qualifying 1983 and 1984 employment for Raymond Leedey..

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 eligibility period.

On appeal, the applicant submitted a letter indicating that an unnamed individual worked for [REDACTED] during 1985. No number of man-days worked was specified for any of the employment. Nor can it be determined that the applicant performed the work implied.

The applicant's documented employment occurred outside of the twelve-month eligibility period ending May 1, 1986. The applicant has not documented that he 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.