

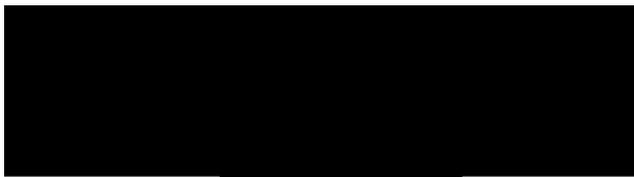
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**U.S. Citizenship
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FILE: [Redacted]
XET-89-017-1034

Office: TEXAS SERVICE CENTER

Date: JUN 12 2008

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:

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.

Mari Johnson

R Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the District Director, Dallas, Texas, and then reopened and denied again by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors 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 from the initial decision, the applicant's employer indicated that the applicant also worked during the months of March and April 1985.

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 250 man-days of employment with corn, wheat and cotton at [REDACTED] from January 1986 to December 1986. In support of his claim, the applicant submitted a corresponding employment verification letter, signed by [REDACTED] manager of [REDACTED].

The director denied the application because the applicant had not established that he worked 90 man-days during the qualifying period May 1, 1985 to May 1, 1986.

On appeal from the initial decision, the applicant's employer indicated that the applicant also worked during the months of March and April 1985.

Subsequently, the application was reopened and the applicant was informed that he needed to establish that he worked at least 90 man-days from January 1, 1986 to May 1, 1986. The applicant was informed that his employment during March and April 1985 was outside the qualifying period of May 1, 1985 to May 1, 1986 and did not qualify. The applicant was granted 30 days to respond.

The record does not contain a response to the director's notice. On October 13, 2005, the director again denied the application. The applicant did not respond.

Although the applicant claimed employment of 250 days from January 1986 to December 1986, he has not demonstrated that at least 90 of the work-days occurred in the January 1, 1986 to May 1, 1986 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.