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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date: MAY 10 2006

XLT-89-022-1018

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Southern Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant admitted at the interview that he had not performed the agricultural employment that he had initially claimed on his application.

On appeal, the applicant has recanted his admission. The applicant stated that he did work in agriculture and wanted an appointment to present his evidence.

In order to be eligible for temporary resident status, an alien must have engaged in qualifying agricultural employment for at least 90 man-days during the twelve-month period ending May 1, 1986.

On his Form I-700 application, the applicant claimed 120 man-days employment with cotton, milo and corn for [REDACTED] in Celina, Texas from May 1985 to August 1985. In support of his claim he submitted a corresponding Form I-705 affidavit, signed by [REDACTED]

In a sworn statement taken by an immigration officer on October 27, 1988, the applicant admitted that he had never worked in agriculture in the United States and that he got his Form I-705 affidavit from a cousin.

In this case, the applicant has admitted that he did not perform the requisite employment during the qualifying period. On appeal, the applicant recants his admission without submitting any corroborative evidence from his claimed employer or anyone else. The applicant's statements made on appeal have been considered. However, issues regarding the credibility of the applicant's new claim are raised in light of the applicant's initial admission. It cannot now be concluded that the applicant worked in agriculture. As the applicant has not demonstrated eligibility for the benefit sought, the appeal must be dismissed.

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