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U.S. Department of Homeland Security  
20 Mass. Avenue, N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



FILE:

XPL 89 008 2013

Office: NEBRASKA SERVICE CENTER

Date:

SEP 13 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:

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 "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director, Northern Regional Processing Facility and then remanded by the Legalization Appeals Unit (LAU), now the Administrative Appeals Office (AAO). The matter was denied again by the Director, Nebraska Service Center, and is now before the AAO on appeal. The appeal will be dismissed.

The director denied the application because of adverse evidence relating to her claim to have worked in agriculture for [REDACTED]

On appeal from the facility director's decision, the applicant stated that she called her former employer and he told her that her employment letter was good. The applicant stated that she had the phone bill to prove that she made the call. However, no such evidence was submitted. She also has not claimed any other qualifying employment.

Upon returning to the United States four years later the applicant gave a sworn statement to an immigration officer, in which she fully admitted that she never worked in agriculture during the period in question. The center director then denied the application on that basis, and the applicant has not responded further.

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. In this case, the applicant's statements on appeal were made several years before her sworn statement where she admitted that she did not perform the requisite employment during the qualifying period. The applicant has not recanted her sworn statement given to a Service officer on November 24, 1994, and has not pursued this matter further. 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.