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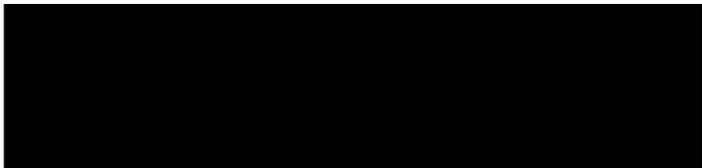
U.S. Department of Homeland Security
20 Mass. Avenue, N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

LA

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: SEP 28 2006

XHP 88 527 1029

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 as a Group 1 special agricultural worker was denied by the Director, Western Service Center for Group 1 and Group 2 eligibility. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application for Group 1 status because the applicant failed to establish the performance of at least 90 man-days of employment during the third Group 1 twelve-month statutory period ending May 1, 1986. The director also denied the application for Group 2 status because the applicant failed to establish the performance of at least 90 man-days of employment during the same twelve-month statutory period ending May 1, 1986.

A Group 1 special agricultural worker is a worker who has performed qualifying agricultural employment in the United States for at least 90 man-days in the aggregate in each of the twelve-month periods ending May 1, 1984, 1985, and 1986, and has resided in the United States for six months in the aggregate in each of those twelve-month periods. 8 C.F.R. § 210.1(f).

A Group 2 special agricultural worker is a worker who during the twelve-month period ending on May 1, 1986, has performed at least 90 man-days in the aggregate of qualifying agricultural employment in the United States. 8 C.F.R. § 210.1(g).

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, 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 no employment. The applicant did, however, submit photocopied weekly time and payroll sheets from [REDACTED] and [REDACTED] reflecting employment in 1983 and 1984.

According to interviewer notes taken on November 15, 1988, the applicant only claimed employment from May 1, 1983 to March 1985. On appeal, the applicant states that he worked from 1980 to 1985 harvesting fruits and vegetables in Miami, Florida and North Carolina. The applicant states that he has been unable to acquire additional evidence of his employment.

The applicant has not documented any employment having been performed during the twelve-month qualifying period ending May 1, 1986. Consequently, the applicant cannot qualify for temporary resident status as a special agricultural worker.

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