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U.S. Citizenship  
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Services

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FILE: [Redacted]  
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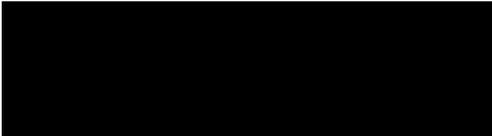
Office: California Service Center

Date: FEB 16 2007

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided 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 Director, Western Service Center, denied the application for temporary resident status as a special agricultural worker. On appeal, the applicant requested a copy of the record. The Administrative Appeals Office (AAO) remanded the matter to the director for the purpose of processing the applicant's request for a copy of the record. A copy of the record was sent to the applicant. Nothing more was submitted for the record. 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. This decision was based on adverse information regarding the applicant's claim of employment for [REDACTED]

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 the provisions of 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 Form I-700 application, the applicant claimed to have picked citrus fruit for 130 days for [REDACTED] from August 1985 to April 1986 at the San Gabriel Valley Labor Association. In support of the claim, the applicant submitted an affidavit dated August 20, 1988 and a Form I-705 affidavit from [REDACTED] who claimed to be a foreman at the San Gabriel Valley Labor Association.

In attempting to verify the applicant's claimed employment, the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) acquired information that contradicted the applicant's claim. Specifically, the Service contacted [REDACTED], General Manager of [REDACTED] Employers (formerly known as the [REDACTED] Labor Association), who provided the Service with Mr. [REDACTED]'s employment history. Ms. [REDACTED] informed the Service that Mr. [REDACTED] did not have the authority to sign letters on behalf of the company and that he worked strictly as a forklift driver from January 1985 to March 1986 and as a field foreman from April 12, 1986 to July 3, 1988.

The applicant was advised in writing of the adverse information obtained by the Service, and of the Service's intent to deny the application. The applicant was granted 30 days to respond. The record contains no response from the applicant to the Service's notice.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application.

On appeal, the applicant fails to address the adverse evidence, and submits no new evidence.

Generally, the inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility, and amenability to verification. 8 C.F.R. § 210.3(b)(1). Evidence submitted by an applicant will have its sufficiency judged according to its probative value and credibility. 8 C.F.R. § 210.3(b)(2). Personal testimony by an applicant that is not corroborated, in whole or in part, by other credible evidence (including testimony by persons other than the applicant) will not serve to meet an applicant's burden of proof. 8 C.F.R. § 210.3(b)(3).

There is no mandatory type of documentation required with respect to the applicant's burden of proof; however, the documentation must be credible. All documents submitted must have an appearance of reliability, i.e., if the documents appear to have been forged, or otherwise deceitfully created or obtained, the documents are not credible. *United Farm Workers (AFL-CIO) v. INS*, Civil No. S-87-1064-JFM (E.D. Cal.), June 15, 1989.

The applicant has failed to overcome the adverse evidence, which directly contradicts her employment claim. Therefore, the documentary evidence submitted by the applicant cannot be considered as having any probative value or evidentiary weight.

The applicant has failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the twelve-month statutory period ending May 1, 1986. Consequently, the applicant is 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.