



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **OCT 22 2004**

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. 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, Director  
Administrative Appeals Office

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prevent clearly unwarranted  
invasion of personal privacy**

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the Director, Western 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 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 relating to the applicant's claim of employment for [REDACTED] at Rio Bravo Ranch.

On appeal, the applicant insists that she did indeed work for [REDACTED] as claimed. Although her further statement on appeal is unclear, she may be indicating that [REDACTED] secretary signed the appropriate form.

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 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 worked 90+ man-days picking citrus fruits for farm labor contractor [REDACTED] at Rio Bravo Ranch in Kern County, California from July 1985 to November 1985. In support of the claim, the applicant submitted a corresponding Form I-705 affidavit, purportedly signed by [REDACTED]

In reviewing the affidavit, the director noticed that the purported signature of [REDACTED] did not resemble his authentic signature, which is quite distinct, that appeared on letters written by [REDACTED]. The director concluded the credibility of the affidavit was questionable.

The applicant was advised in writing of the adverse information, and of the director's intent to deny the application. The applicant was granted thirty days to respond. In response to the notice, she provided a copy of the affidavit from [REDACTED] and reiterated the validity of her employment claim. She pointed out that she was paid in cash, and therefore had no written documents proving she had worked for him.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application. On appeal, the applicant indicates that she worked for [REDACTED]. She says, "In references to my case I was working for [REDACTED] went I left to take my forms (undecipherable) that secretary she signed that forms I sent letter to [REDACTED] give to me."

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 which 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.).

The signature of [REDACTED] appearing on the affidavit is significantly different than the known exemplar of his signature. It is not clear whether the applicant is stating that she turned in a form to [REDACTED] secretary for him to sign, or that the secretary signed it, or what. At any rate, although given two opportunities to do so, the applicant has not provided any additional documentation from Jesus Camacho, or anyone else, which even suggests that she did indeed work for him.

Given these circumstances, it is concluded that 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, she 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.