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U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted]

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 05 2005**

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: 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.

Handwritten signature of Robert P. Wiemann in black ink.

Robert P. Wiemann, Director  
Administrative Appeals Office

**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 (AAO) 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 acquired by the Service relating to the applicant's claim of employment for [REDACTED]

On appeal, the applicant reasserts her claimed employment.

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 performed a total of 120 man-days picking grapes for [REDACTED] in San Bernardino County, California from June 1985 to January 1986.

In support of the claim, the applicant submitted a Form I-705 affidavit signed by [REDACTED] who identified himself as a farm labor contractor and asserted that the applicant was paid in cash. Mr. [REDACTED] specified that the applicant worked at Rancho Corporation for 72 man-days and E & S Grape Growers for 48 man-days.

In attempting to verify the applicant's claimed employment, the Service acquired information which contradicted the applicant's claim. The secretary for E & S Grape Growers informed the Service that [REDACTED] had worked for the farm as a laborer but never as a foreman or contractor. The manager of E & S Grape Growers asserted that all employees are paid by check.

The Service attempted to call Rancho Corporation at the number given on the Form I-705 affidavit. The number for Rancho Corporation had belonged for 20 years to the private residence of an individual who had never heard of Rancho Corporation. The Service contacted directory assistance to obtain working telephone numbers for these two farms. The information service indicated that there were no listings for either farm.

On December 16, 1991, 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 thirty days to respond. In response to the Service's notice, the applicant submitted a second Form I-705 affidavit from [REDACTED] claiming the same employment and a separate employment letter signed by [REDACTED] who indicated that the applicant worked 72 man-days for him at various unnamed ranches.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application on February 3, 1992. On appeal, the applicant stated that she was submitting additional evidence from [REDACTED]. The applicant submitted a photocopy of one page of a Form I-705 application, previously submitted.

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.)*.

Officials of E & S Grape Growers have indicated that all workers were paid by check, and have denied that [REDACTED] ever served in a supervisory capacity at that farm. This information, coupled with the Service's inability to contact Rancho Corporation, indicates that the application is highly questionable, is not amenable to verification and, therefore, fails to meet the evidentiary requirements set forth in 8 C.F.R. § 210.3(b) and (c). The applicant has provided no documentary evidence of any kind to refute the derogatory information or to demonstrate that [REDACTED] supervised any agricultural workers at any site during the qualifying period.

The applicant has failed to establish credibly 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.