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U.S. Department of Homeland Security  
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Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**



L4

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: AUG 05 2005

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 "Robert P. Wiemann".

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 rejected.

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 statutory period. The director concluded the applicant worked no more than 59 days during the required period.

On appeal, the applicant stated that she worked between February 25, 1986 and May 30, 1986.

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, 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 125 man-days employment for [REDACTED] at Santa Maria Berry farms from February 1985 to June 1985. In support of her claim, the applicant submitted a corresponding Form I-705 affidavit indicating that the applicant worked from February 2, 1985 to June 28, 1985.

The director denied the application because he determined that the applicant could have worked no more than 59 days during the qualifying period May 1, 1985 to May 1, 1986.

On appeal, the applicant claimed additional employment, but submitted no evidence to corroborate her claim. Therefore, it cannot be concluded that the applicant worked the additional days claimed.

The applicant's corroborated employment of 59 days does not meet the minimum requirement of at least 90 man-days of agricultural employment performed during the eligibility period ending May 1, 1986. Consequently, the applicant is statutorily 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.