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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.

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 stated that [REDACTED] no longer works at Rancho Corporation.

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 110 man-days picking grapes for [REDACTED] in San Bernardino County, California from May 1, 1985 to May 1, 1986.

In support of the claim, the applicant submitted a Form I-705 affidavit signed by [REDACTED] who identified himself as a foreman and asserted that the applicant was paid in cash. Mr. [REDACTED] specified that the applicant worked at Rancho Corporation for 110 man-days.

In attempting to verify the applicant's claimed employment, the Service acquired information which contradicted the applicant's claim. The Service attempted to call Rancho Corporation at the numbers 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 the farm. The information service indicated that there was no listings for the 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 letter in which he stated Rancho Corporation really exists and provided a different telephone number. The applicant stated that he had contacted Rancho Corporation and was awaiting an employment verification letter from them.

It is significant that, to date, no additional employment verification documents have been forthcoming from the applicant.

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 [REDACTED] no longer works at Rancho Corporation and that he was advised to contact a Mr. [REDACTED] regarding his

employment as he explained in his letter submitted in response to the Notice of Intent to Deny his application.

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 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 claimed he will submit but has provided no objective documentary evidence of any kind, outside of his own testimony, to demonstrate the existence of a Rancho Corporation or that Enrique Rivera 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.