

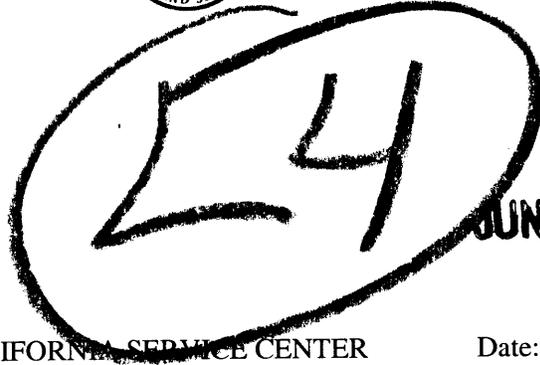
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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JUN 20 2005

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the District Director, San Francisco, California, reopened and denied again by the Director, Western Regional Processing Facility. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

Both directors denied the application because the applicant admitted at the interview that he did not work 90 man-days for [REDACTED] and that he purchased his employment documentation for \$250.00.

On appeal, the applicant stated that he worked for many contractors, but that he has no proof because he was paid in cash. The applicant indicated that he worked for [REDACTED] for 75 or 80 days, but that overall he worked much more than 90 days. The applicant did not name any other individuals for whom he purportedly worked.

In order to be eligible for temporary resident status, an alien must have engaged in qualifying agricultural employment for at least 90 man-days during the twelve-month period ending May 1, 1986. In this case, the applicant has admitted that he purchased his employment documents because he did not have enough days worked in order to qualify. The applicant has not recanted this statement. The applicant's claim to having worked for other contractors is not corroborated by any documentary evidence. The applicant's statements made on appeal have been considered. However, there is no waiver available, even for humanitarian reasons, of the requirements stated above. As the applicant has not demonstrated eligibility for the benefit sought, the appeal must be dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.