

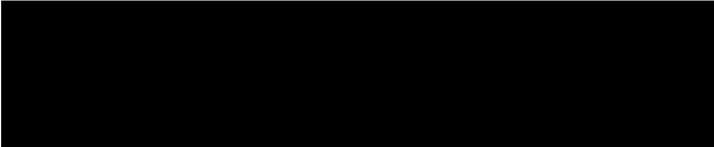
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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 27 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.

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 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 Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS) relating to the applicant's claim of employment for Victor Flores.

Prior to her appeal, the applicant requested a copy of her legalization file. Citizenship and Immigration Services (CIS) complied with the request on May 19, 2004. On appeal, the applicant reaffirmed her claimed employment in agriculture and submitted additional evidence.

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 90+ man-days working with onions for Victor Flores in Walla Walla, Washington during the qualifying period.

In support of the claim, the applicant submitted a Form I-705 affidavit and a separate employment statement, both purportedly signed by farm labor contractor [REDACTED]

In attempting to verify the applicant's claimed employment, the Service acquired information which contradicted the applicant's claim. [REDACTED] pled guilty to document fraud charges, and subsequently provided to the Service a list of persons to whom he had provided Form I-705 affidavits. Furthermore, the signatures on the applicant's documents differ visibly and significantly from authentic exemplars of [REDACTED] signature. The omission of the applicant's name from this list, together with the signature discrepancy, indicate that the applicant did not obtain employment documents from [REDACTED]. The applicant's documents are therefore of questionable authenticity.

On March 18, 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. The record does not contain a response to this information from the applicant.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application June 24, 1991. On appeal, the applicant reaffirmed her claimed employment and submitted three separate employment verification letters from [REDACTED] who stated that she worked with the applicant in the same field in Washington State; [REDACTED], who stated that he worked with the applicant packing vegetables in Arizona; and [REDACTED] who stated that she worked with the applicant in the same agricultural field in Washington.

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 affidavits from [REDACTED] state that they worked with the applicant in Washington and Arizona. However, the affidavits fail to state just when this employment took place or for whom the work was performed. Therefore, the affidavits are of little probative value to the applicant's claim to eligibility.

The alleged signatures of [REDACTED] on the applicant's documents do not match authentic exemplars obtained by the Service. [REDACTED] in his statement to the Service, did not acknowledge providing employment documentation to this applicant. This derogatory information calls into question the origin and authenticity of the applicant's documentation. The applicant has not overcome such derogatory evidence. Therefore, the employment documents submitted by the applicant cannot be considered as having any probative value or evidentiary weight.

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.