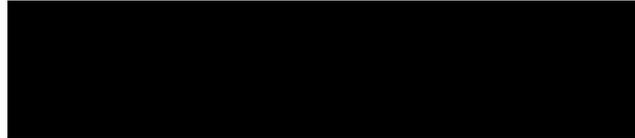


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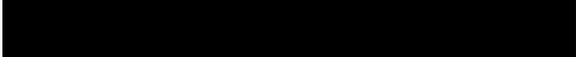
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and Immigration  
Services

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FILE:  Office: CALIFORNIA SERVICE CENTER Date: SEP 12 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 case will be remanded for further consideration.

The director concluded the documentation submitted did not satisfy the applicant's burden of proof of having performed qualifying agricultural employment. This conclusion was purportedly based on derogatory evidence obtained from Service attempts to verify the applicant's claimed employment.

The record indicates the applicant was advised of derogatory evidence prior to the issuance of the decision. Specifically, the applicant was informed that the signature of [REDACTED] the applicant's employment documentation did not match authentic signature exemplars of Mr. [REDACTED].

However, the signature discrepancy cited by the director is minimal, and it does not appear that a determination can be made without forensic analysis of the signatures.

It does not appear that the evidence of record is sufficient to refute the applicant's claim of employment for [REDACTED]. If forensic analysis of Mr. [REDACTED] purported signature is performed, the director shall incorporate the results of the analysis into the record of proceeding. Likewise, if the director discovers any additional derogatory evidence pertinent to the applicant's claim, such evidence must be entered into the record of proceeding. The director shall also advise the applicant of any derogatory evidence added to the record of proceeding and allow the applicant an opportunity to rebut such evidence before a new decision is rendered. Should the new decision be adverse, the applicant shall be permitted to file an appeal without a fee.

**ORDER:** The decision is withdrawn. The case is remanded for appropriate action and decision consistent with the foregoing.