

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

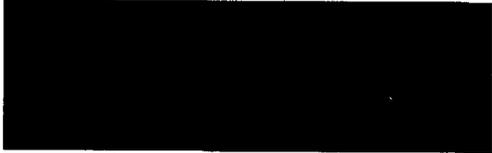
PUBLIC COPY

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



U.S. Citizenship
and Immigration
Services

L4



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: SEP 16 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 Group 2 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 statutory period.

On appeal, the applicant states that he now understands the employment requirements for Group 1 and Group 2 eligibility and that the evidence he submitted is correct.

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). 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 application, Form I-700, the applicant claimed 49 man-days employment harvesting potatoes for [REDACTED] in Merced, California from May 1, 1984 to May 1, 1985 and 49 man-days employment harvesting onions and chile for [REDACTED] in Merced, California from June 6, 1984 to September 7, 1984. In support of his claim, the applicant submitted two separate Form I-705 affidavits, copies of a 1984 third and fourth quarter earnings report and a 1984 Form W-2 Wage and Tax Statement.

The director denied the application because failed to claim any employment during the Group 1, and Group 2 qualifying periods May 1, 1985 to May 1, 1986.

On appeal, the applicant has not submitted any additional evidence indicating that he had any employment during the qualifying period May 1, 1985 to May 1, 1986.

The applicant's claimed employment occurred outside of the twelve-month eligibility period ending May 1, 1986. The applicant has neither claimed nor documented that he/she performed agricultural employment during the eligibility period. 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.