

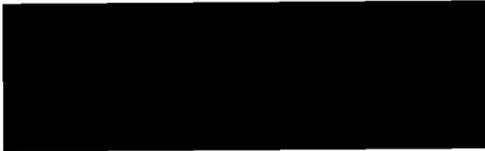


U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAR 30 2006

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 temporary resident status of the applicant was terminated by the Director, Western Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary resident status because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the statutory period. This determination was based on information provided by [REDACTED] and [REDACTED] for whom the applicant claimed to have been employed.

On appeal, the applicant reaffirms his claim to have performed 90 man-days of qualifying agricultural services for the [REDACTED]. The applicant requested a copy of his legalization file. Citizenship and Immigration Services (CIS) complied with the request on March 30, 2005.

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 93 man-days of qualifying agricultural services for [REDACTED] and [REDACTED] at [REDACTED] in Clackamas County, Oregon, from June 1985 to July 1986. In support of the claim, the applicant submitted a Form I-705 affidavit and a separate employment letter, both purportedly signed by [REDACTED].

The applicant was interviewed by an officer of the Service. The officer concluded that the applicant's claim was not credible and recommended denial of the application.

In attempting to verify the applicant's claimed employment, the Service acquired information that contradicted the applicant's claim. In the United States District Court for the District of Oregon, [REDACTED] pled guilty to conspiracy to falsify and sell thousands of affidavits attesting to employment on his farm. As part of his plea agreement, [REDACTED] and [REDACTED] gave sworn statements in which they provided, based on their records and memory, a list of 31 names of individuals who did in fact actually perform at least 90 man-days of qualifying agricultural employment for them. They also provided another list of 101 names of individuals (again based on their memory and records) they believed worked for them, but for less than 90 days. The applicant's name does not appear on either list. Both [REDACTED] also stated that they have no other records, documentation or personal recollection, which would support any other Form I-705 affidavit. Several thousand aliens are known to have filed applications claiming to have performed 90 or more man-days of employment for the [REDACTED].

On November 29, 1990, the applicant was advised in writing of the adverse information obtained by the Service, and of the Service's intent to terminate the applicant's temporary residence. The applicant was granted thirty days to respond. In response the applicant submitted a letter of reference as an employee of the farm signed by [REDACTED]. The letter did not state that the applicant worked there during the 1985-86 period.

The director concluded the applicant had not overcome the derogatory evidence, and terminated the applicant's temporary residence on May 17, 1991. On appeal, the applicant reaffirms his claim to have performed 90 man-days of qualifying agricultural services for the [REDACTED].

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.)*.

While the applicant reiterates his employment claim for the Wickershams on appeal, he has provided no documentation whatsoever to rebut the adverse evidence. In light of that, the guilty plea of [REDACTED] the massive number of applicants who all claimed to have worked for the [REDACTED] at the same time, and the negative recommendation of the interviewing officer, we find the applicant has failed to establish the performance of at least 90 days of employment for the [REDACTED]

Under these circumstances, it cannot be concluded the applicant has credibly established that he performed at least 90 man-days of qualifying agricultural employment during the statutory period ending May 1, 1986. Consequently, the applicant has not demonstrated his eligibility for temporary resident status as a special agricultural worker.

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