U.S. Department of Homeland Security
20 Mass. Avenue, N.W., Rm. A3000
Washington, DC 20529

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U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

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FILE: [redacted] Office: TEXAS SERVICE CENTER Date: JUN 29
XSN-88-065-2023

IN RE: Applicant: [redacted]

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, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Southern 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 admitted to a Service officer that he had not performed the agricultural employment that he had initially claimed on his application.

On the Form I-700 application, the applicant claimed to have performed 127 man-days of qualifying agricultural employment for from May 1985 to October 1985 in Uvalde, Texas.

In support of the claim, the applicant submitted a corresponding Form I-705 affidavit signed by [redacted]

In attempting to verify the applicant's claimed employment, the Immigration and Naturalization Service, or the Service (now, Citizenship and Immigration Services, or CIS) acquired information which contradicted the applicant's claim. Specifically, in a sworn statement on January 5, 1989, the applicant stated that he had never worked for [redacted] and acknowledged that he had been continually employed in Mexico at MICARE Mining Company from July 30, 1984 to April 1988. The applicant made this statement after being confronted with evidence regarding his Mexican employment by a Service officer.

On August 31, 1993, 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. In response, the applicant submitted an affidavit from [redacted] who stated that during 1985 and 1986, the applicant worked in chile and pepino in Uvalde, Texas. The affiant did not specify the number of days worked, or the location. The affidavit is therefore deficient.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application on January 13, 1994.

On appeal, the applicant stated that after being detained three or four times and harassed by Immigration officers he decided to sign the statement denying that he had ever worked for [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.), June 15, 1989.

On appeal, the applicant has recanted his admission made during his interview. However, he has not submitted any additional evidence to corroborate his claimed employment. He refers to having worked for [redacted] and another person but provides no evidence or specificity regarding the other person. The applicant claims he was coerced into signing a statement against his interests, at that interview. The applicant provided evidence that he had worked for MICARE in Mexico from July 1984 to April 1988. This evidence refutes the applicant's claimed employment for [redacted] Therefore, the applicant's attempt to recant his admission in an effort to obtain benefits is highly questionable and seriously lacking in credibility.

The applicant has, therefore, failed to credibly establish 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.