

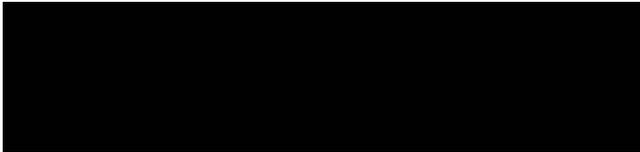


U.S. Citizenship
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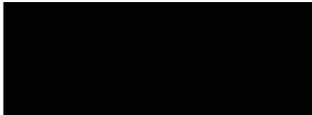
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAR 31 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 application for temporary resident status as a special agricultural worker was denied by District Director, San Francisco, California and then reopened and denied by the Director, Western Service Center. The case was remanded by the Administrative Appeals Office (AAO), and denied again by the Director, California Service Center. The matter is now before the AAO on appeal. The appeal will be dismissed.

The directors denied the application because of credibility issues raised by the applicant's claimed employment for [REDACTED]

On appeal from the initial denial, the applicant reaffirmed his claimed employment and submitted additional photocopied evidence. The record does not contain any response to any of the subsequent Service notices.

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 93 man-days employment for [REDACTED] and [REDACTED] at [REDACTED] in Kern, California from October 1985 to February 26, 1986.

In support of the claim, the applicant submitted a corresponding Form I-705 affidavit and a separate form employment verification letter, both of which were purportedly signed by farm labor contractor [REDACTED] on the Form I-705, which the applicant also signed, in the space labelled "Name of Farm," the name [REDACTED] was entered. Both of those documents specify that the applicant was employed by [REDACTED] from October 30, 1985 to February 26, 1986.

In the course of attempting to verify the applicant's claimed employment, the Service acquired information which cast doubt on the credibility of the applicant's documentation. The payroll secretary of [REDACTED] parent company of [REDACTED], stated that Mr. [REDACTED] contract expired in January 1986 and that Mr. [REDACTED] did not provide any workers after that date. This information has since been corroborated by the operations manager of [REDACTED] who asserted that [REDACTED] employment at [REDACTED] operations ended January 15, 1986.

The aforementioned evidence was acquired over a period of several years. In neither of the first two denial of the application was the applicant informed of any of the aforementioned adverse evidence. Thereafter, on May 2, 2001, the applicant was informed that the purported signatures of [REDACTED] on his supporting documents were found by forensic analysis not to match genuine exemplars obtained by the Service. The applicant was granted 30 days to respond. The record does not contain a response from the applicant. Subsequently, on September 25, 2004, the center director finally denied the application. The record contains no response from the applicant.

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 signature discrepancy noted by the director calls into question the origin and authenticity of the applicant's documentation. The applicant has not overcome this derogatory evidence. Therefore, the documentary evidence submitted by the applicant cannot be considered as having any probative value or evidentiary weight.

The applicant has 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.