



U.S. Citizenship
and Immigration
Services

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FILE:



XSO 89 021 02074

Office: CALIFORNIA SERVICE CENTER

Date:

13 2007

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the District Director, San Francisco, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant did not perform at least 90 man-days of qualifying agricultural employment during the twelve-month eligibility period.

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 Immigration and Nationality Act and is not ineligible under 8 C.F.R. §210.3(d).

On the application, Form I-700, the applicant claimed 103 man-days of agricultural employment for [REDACTED] from November 1, 1985 to March 31, 1986. **In support of his claim, the applicant submitted a corresponding Form I-705 affidavit and an employment statement purportedly signed by [REDACTED]**

Subsequently, on December 13, 1988, the applicant admitted in a signed sworn statement, under oath and in the presence of an officer that he had never worked in the agricultural fields during the twelve-month eligibility period ending May 1, 1986. The applicant further admitted to have first arrived in the United States in March 1988.

By the applicant's own admission, he did not perform the requisite 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.