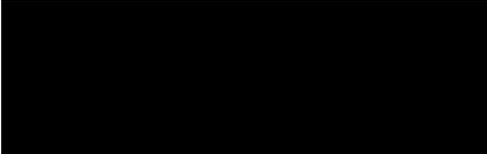


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and Immigration
Services**

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **AUG 22 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 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 eligibility period. This decision was based on adverse information acquired by the Service relating to the applicant's claim of employment for [REDACTED] at Rio Bravo Ranch.

On appeal, the applicant requested that the denial of her application be reconsidered.

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 to have worked 140 man-days picking citrus fruits for farm labor contractor [REDACTED] at Rio Bravo Ranch in Kern County, California from September 1985 to April 1986.

In support of the claim, the applicant submitted a corresponding Form I-705 affidavit and a separate employment statement, purportedly signed by [REDACTED]

In attempting to verify the applicant's claimed employment, the Service acquired information which contradicted the applicant's claim. The payroll secretary of Nickel Enterprises, parent company of Rio Bravo Ranch, stated that [REDACTED] contract expired in January 1986 and that [REDACTED] did not provide any workers after that date. This information has since been corroborated by the operations manager of Nickel Enterprises, who asserted that Jesus Camacho's employment at Rio Bravo Ranch's **farming operations** ended January 15, 1986. As the applicant did not claim to have worked prior to November 1985, he could not have accrued 90 days by January 15, 1986.

On April 3, 1991, 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 to the Service's notice, the applicant reaffirmed her claimed employment.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application July 18, 1991. On appeal, the applicant requests that the denial of her application be reconsidered.

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.).

Officials of Nickel Enterprises have confirmed that [REDACTED] did not work at Rio Bravo Ranch after January 15, 1986. The applicant has seriously impaired her credibility by maintaining that he/she worked at [REDACTED] until , but submitting no credible documentary evidence in support of this contention. Therefore, the documentary evidence submitted by the applicant cannot be considered as having any probative value or evidentiary weight.

It is noted that, in a letter dated November 5, 1993, the operations manager of Nickel Enterprises informed the Service that, according to their records, Jesus & Minerva Camacho "supplied labor for our farming operations at various times during the period May 1, 1985 through May 1, 1986 . . . Since (January 15, 1986), they were no longer used to provide labor service for Rio Bravo Ranch . . . they provided labor to Rio Bravo Ranch a total of 77 days, from May 1, 1985 to January 15, 1986."

The above letter indicates that Rio Bravo Ranch did, in fact, consist of more than one farming operation, and that [REDACTED] did provide labor for these operations. However, the credibility of the applicant's claim is undermined by [REDACTED] statement that the Camachos provided labor to Rio Bravo's farming operations for less than 90 days during the qualifying period, and that the Camachos did not provide any labor to the farm after January 15, 1986.

The applicant has failed to establish credibly 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.