

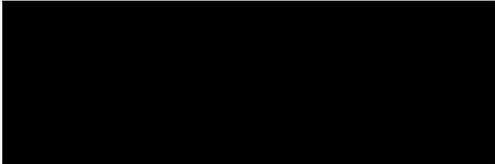
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U.S. Citizenship
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FILE:



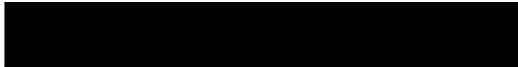
Office: CALIFORNIA SERVICE CENTER

Date:

JUN 27 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 applicant appears to be represented. However, the record does not contain a Form G-28 Notice of Appearance as Attorney or Representative. Therefore, the decision will only be furnished to the applicant.

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.

On appeal, the applicant reaffirms his claim to eligibility and submits supporting evidence.

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 performed 139 man-days of qualifying agricultural employment for [REDACTED] Salinas, California from March 20, 1985 to September 16, 1985.

The applicant did not submit any supporting documentation.

The director concluded the applicant had not established his claim to eligibility and denied the application on October 21, 1991.

On appeal, the applicant submitted a declaration from [REDACTED] who stated that she knew that the applicant worked in agriculture because the applicant told her that he worked in agriculture when he came to visit. The applicant submitted a form affidavit from [REDACTED] who stated that he gave the applicant a ride to Salinas, California where the applicant did farm work; a form affidavit from [REDACTED] who stated that he and his brother worked together in Salinas, California from February 1985 to December 1985; and, a form affidavit from [REDACTED] who stated that the applicant and his brother worked in Salinas, California and that they would get together on the weekends.

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.).

In order to be eligible for temporary resident status as a special agricultural worker, the applicant must have engaged in qualifying agricultural employment for at least 90 man-days during the twelve-month period ending May 1, 1986. The applicant has the burden of proving the above by a preponderance of the evidence. None of the affiants makes any reference to any farm, farmer, or agricultural producer for whom the applicant purportedly worked. There is no mention of [REDACTED] the applicant's purported employer. Further, no reference is made to the types of crops the applicant purportedly worked with or the number of days the applicant purportedly worked. As such, the applicant's claimed employment for [REDACTED] is not corroborated by any documentary evidence and is unverifiable. The applicant has claimed no other employer. Therefore, the documentary evidence submitted by the applicant cannot be considered as having any probative value or evidentiary weight.

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.