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U.S. Citizenship  
and Immigration  
Services

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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 District Director, San Francisco, California Director, reopened and denied by the Director, Western Service Center. Subsequently, the matter was remanded by the Legalization Appeals Unit (LAU), now the Administrative Appeals Office (AAO) and denied by the Director, California Service Center. The matter is now before the AAO on appeal. The appeal will be dismissed.

All three directors 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. The decisions were based on adverse information acquired by the Service relating to the applicant's claim of employment for [REDACTED]

On appeal from the initial decision of denial, the applicant reasserted his claim of eligibility for benefits as a Special Agricultural Worker and submitted additional evidence. The record does not contain a response from the applicant following the second and the final (third) decision of denial.

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 a total of 127 man-days of qualifying agricultural services for farm labor contractor [REDACTED] from May 1985 to May 1986 in Bakersfield, California. In support of his claim, the applicant submitted a corresponding employment letter, purportedly signed by [REDACTED]

In attempting to verify the applicant's claimed employment, the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS) acquired information which contradicted the applicant's claim. The Service obtained a letter from [REDACTED] dated November 18, 1987 with an exemplar of her authentic signature and the genuine letterhead she used for the employment verification affidavits she issued. [REDACTED] informed the Service that she issued all employment letters on original printed letterheads only, never on stamped or photocopied letterhead. The documentation submitted by the applicant does not match the authentic signature and letterhead exemplars provided by [REDACTED]. The letter also contains a stamped name and address for [REDACTED].

On May 9, 1988, the application was initially denied by the district director. On appeal, the applicant declared his eligibility for the benefits sought. On appeal from that decision, the applicant reaffirmed his claim to eligibility and submitted a letter purportedly from [REDACTED] who indicated that the letters that contained a stamped name and address for her are not her letters and that the signatures on those letters are not her signature.

On March 6, 1989, 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. The record does not contain a response from the applicant.

The Director, Western Service Center concluded the applicant had not overcome the derogatory evidence and denied the application on June 20, 1991. The record does not contain a response from the applicant.

The case was subsequently remanded by LAU and on February 20, 2001, the application was again reopened and the applicant was informed in writing of CIS's intent to deny the application. The applicant was granted thirty (30) days to respond. The applicant did not respond.

Subsequently, on September 20, 2004, the application was again denied. The applicant did not respond to the final notice of decision denying his application.

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. [REDACTED] Cal.).

The signatures on the applicant's supporting documents were found by forensic analysis not to match genuine exemplars obtained by CIS. This derogatory information obtained by CIS regarding the applicant's claim of employment for [REDACTED] directly contradicts the applicant's claim. The applicant has not overcome such 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.