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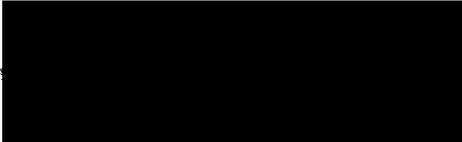
U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
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FILE:

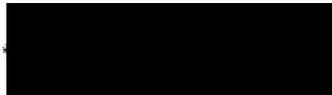


Office: TEXAS SERVICE CENTER

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Southern Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant admitted at the interview that he had not performed the agricultural employment that he had initially claimed on his application.

On appeal, the applicant has recanted his admission stating that he made the admission out of fear.

In order to be eligible for temporary resident status, an alien must have engaged in qualifying agricultural employment for at least 90 man-days during the twelve-month period ending May 1, 1986. In this case, the applicant has admitted that he did not perform the requisite employment during the qualifying period. The applicant's statements made on appeal have been considered. However, from his statement made on appeal it does not appear that the applicant even remembers the name of the individual he claimed as his employer. Further, the applicant's sworn statement contains detailed information of his purchasing his documentation, which is not consistent with a statement made by someone who is merely agreeing with another person's opinion. Therefore, contrary to the applicant's statement on appeal, it is concluded that the applicant did purchase his employment documentation. There is no waiver available, even for humanitarian reasons, of the requirements stated above. As the applicant has not demonstrated eligibility for the benefit sought, the appeal must be dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.