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U.S. Department of Homeland Security  
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U.S. Citizenship  
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Services

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FILE: [Redacted]  
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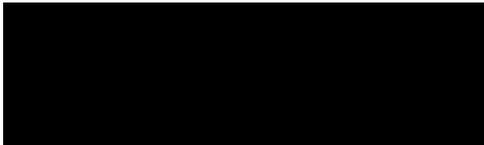
Office: VERMONT SERVICE CENTER

Date: AUG 09 2006

IN RE: Applicant: [Redacted]

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. 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 "R. Wiemann".

A handwritten mark, possibly initials, to the left of the name.  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** This matter is an application for temporary resident status as a special agricultural worker denied by the Director, Eastern Regional Processing Facility, and then remanded by the Legalization Appeals Unit (LAU), now the Administrative Appeals Office (AAO). The matter is now before the 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] Grassy Hill Farm.

On appeal, the applicant requested a copy of his legalization file. His request was complied with on July 19, 1990. The applicant did not respond further.

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 128 man-days of agricultural employment [REDACTED] at the Grassy Hill Farm, located in Franklin, Massachusetts from May 1, 1985 to September 30, 1985. In support of his claim, the applicant submitted a corresponding Form I-705 affidavit signed [REDACTED]. The applicant also submitted two employment letters regarding non-agricultural employment, which occurred after the qualifying period. These letters are of no probative value to the applicant's claim to eligibility.

In the course of attempting to verify the applicant's claimed employment, the Service acquired information which contradicted the applicant's claim. Specifically on July 14, 1988, [REDACTED] plead guilty to violating 8 U.S.C. § 1160 (b)(7)(A)(ii), creating and supplying false documents to Special Agricultural Worker applicants. In a sworn statement given on July 14, 1988, [REDACTED] indicated that he created fraudulent documents for applicants claiming qualifying employment at the Winding Brook Farm, Merrill Farm, Fitzgerald Orchards (a.k.a. Fitzgerald Fruit Farm), Grassy Hill Farm, Mountain View Farm, Maple Valley Farm, Whaley's Farm, Stone's Throw Farm, Whitney Fruit Farm, and Sand Hill Farm. He indicated that only [REDACTED] were "real farms". [REDACTED] stated that none of the applicants who indicated employment at the farms mentioned above actually worked on these farms. [REDACTED] stated that, at times he used friends to sign the application forms. The Service has learned that one of [REDACTED]

On June 30, 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 to the notice. The record contains no response to the notice by the applicant.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application on April 27, 1990. On appeal, the applicant presents no evidence, nor has he made any statements regarding his claimed employment.

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.

in sworn testimony, stated that there was no such farm as Grassy Hill Farm. The applicant claimed to have lived and worked at Grassy Hill Farm during the qualifying period. However, the applicant has not proffered any statement to rebut statement. Nor has he submitted any documentary evidence, other than the Form I-705, to corroborate his employment claim that he worked at Grassy Hill Farm.

At one point the LAU remanded this matter, because adverse evidence concerning the nexus between Mr. and was missing from the record. However, the director properly supplemented the record with evidence that supports his decision.

According to 8 C.F.R. § 210.3(b), the burden of proof is on the applicant until he has presented sufficient credible evidence which is amenable to verification and shows the extent of the claimed employment as a matter of just and reasonable inference. The adverse information obtained by the Service directly contradicts the applicant's claim. The claim relies on documentation indicating the applicant worked at Grassy Hill Farm located in Franklin, Massachusetts, when a Service investigation revealed that the farm did not exist. This information, combined with the fact that indicated in a sworn statement that none of the applicants who claimed to have worked on any of the farms, fictitious or not, actually worked there, indicates that the application is of severely dubious credibility. The applicant has not overcome this derogatory evidence and has, therefore, failed to meet the evidentiary requirements set forth in 8 C.F.R. § 210.3(b) and (c).

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.