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64

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **FEB 22 2006**

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 was denied by the Director, Western Service Center, reopened and denied again by the Director, California Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director initially 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 director finally denied the application because the applicant admitted in a telephone conversation with a Service officer on July 20, 2004, that his claimed employment consisted of cutting flowers and that he did not perform seasonal agricultural services.

The applicant has not recanted his admission. He also has not claimed any other qualifying employment.

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. 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.