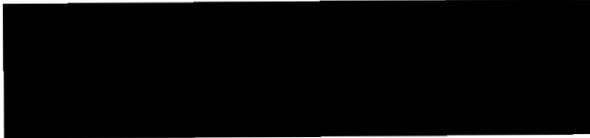


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**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: JUN 29 2006
XLU-89-027-1065

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:

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, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Southern Service Center, and is now before the Administrative Appeals Office (AAO) 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 states that he worked 4 1/2 months from June 1985 to October 1985. The applicant submits a personal statement and an affidavit from [REDACTED]

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 102 man-days of qualifying agricultural employment for [REDACTED] at various farms in Slaton, Texas from June 1985 to October 1985.

In support of the claim, the applicant submitted a corresponding Form I-705 affidavit, a separate affidavit, and a man-days breakdown, all signed by [REDACTED]

In attempting to verify the applicant's claimed employment, the Immigration and Naturalization Service, or the Service (now, Citizenship and Immigration Services, or CIS) acquired information which contradicted the applicant's claim. Specifically, in a sworn statement before a Service officer, the applicant admitted that he first entered the United States in June 1985. The applicant claimed only two months work during the qualifying period. The applicant stated that he went to work hoeing cotton in June 1985 and worked until the last part of July when he returned to Mexico. The applicant stated that from July 1985 to the last part of May 1986 he was in Mexico.

The director concluded the applicant could have worked no more than two months during the qualifying period, and denied the application on March 3, 1993.

On appeal, the applicant states that he was an agricultural worker for Slaton Cotton Growers in Slaton, Texas from June 1985 to October 1985. The applicant submits a personal statement in which he asserts that he was a seasonal farm worker, having worked weeding, thinning and planting lettuce, onions and cotton.

In his affidavit, [REDACTED] states that he has been a seasonal farm worker since 1984. He states that he and the applicant worked the cotton season for [REDACTED] from June 1985 to October 1985 and that the applicant lived in the United States since 1982. He states that he and the applicant were recruited to work every day during the season.

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.), June 15, 1989.

The applicant has raised questions regarding the credibility of his claimed employment by providing two separate scenarios regarding his employment. On his Form I-700 application and on appeal, the applicant maintains that he was employed cultivating cotton from June 1985 to October 1985. However, in his statement given on April 25, 1989, he stated that he worked only two months, June 1985 and July 1985, and that in July 1985 he returned to Mexico for the remainder of the qualifying period. It is noted that he has not submitted any corroborative evidence on appeal from [REDACTED]. In light of the conflicting claims, 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.