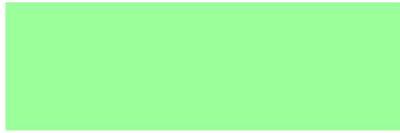


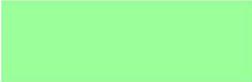
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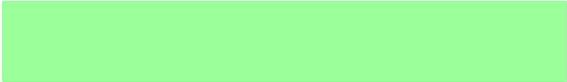
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Service  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W. MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

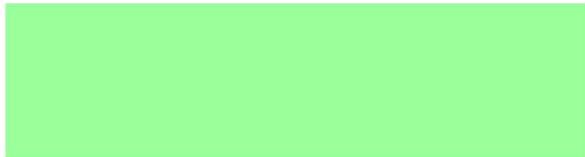


Date: **NOV 13 2013** Office: CALIFORNIA SERVICE CENTER FILE: 

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:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "R. Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status as a special agricultural worker was denied by the Director, California Service Center and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, Group 2 status, under section 210 of the Immigration and Nationality Act, 8 U.S.C. § 1160. The director denied the application, finding the applicant failed to demonstrate that he had performed qualifying agricultural employment during the 12-month period ending May 1, 1986. The director based his decision on adverse information provided to the legacy Immigration and Naturalization Service (INS), now the U.S. Citizenship and Immigration Services (USCIS), by Frank Vega, for whom the applicant claimed to have worked.

The applicant, through his representative, filed the current appeal. In support of the appeal the applicant's representative asserted as follows:

Applicant feels he was wrongly denied Temporary Residence based on the farm labor contractor's poor record keeping. He insists that he did in fact work for Mr. [REDACTED] and that Mr. [REDACTED] was the person who signed his documents. . .

The applicant did not submit any further evidence in support of the appeal.

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)(2) 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 103 man-days of qualifying agricultural employment for [REDACTED] California from May 1985 to December 1985.

In support of the claim, the applicant submitted a corresponding Form I-705 affidavit and a separate employment letter, both purportedly signed by [REDACTED]

In attempting to verify the applicant's claimed employment, the INS acquired information which contradicted the applicant's claim. On July 17, 1989, [REDACTED] stated in a letter to the Service that he had never been a farm labor contractor, but rather was a sharecropper, foreman, and supervisor at various farms in the [REDACTED]. Mr. [REDACTED] stated that his signature had been falsified on employment documents, and submitted to the Service a list of 267 names belonging to the individuals who had actually worked for him or with him. The applicant is not named on this list.

On December 12, 1991, the applicant was advised in writing of the adverse information obtained by the INS, and of the INS's intent to deny the application. The applicant was granted thirty days to respond to the notice of intent to deny (NOID) the application. The record does not contain a response to the NOID from the

applicant. The director concluded the applicant had not overcome the derogatory evidence, and denied the application.

In the NOID, the director noted that the signatures of [REDACTED] on the applicant's supporting documents were visibly and significantly different from authentic exemplars obtained by the Service. However, the signature discrepancy cited by the director is minimal, and it does not appear that a determination can be made without forensic analysis of the signatures.

On appeal, the applicant has reaffirmed his employment with [REDACTED]. 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.)*.

The applicant is not named on the list of employees provided by [REDACTED]. The applicant has not addressed nor overcome this adverse evidence which directly contradicts the applicant's claim. 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.