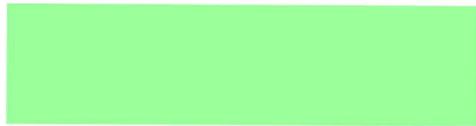


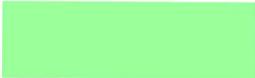
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090  
**U.S. Citizenship  
and Immigration  
Services**



(b)(6)



Date: **OCT 08 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:

SELF-REPRESENTED

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 "Ron 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. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO), and the matter is now before the AAO on a combined motion to reopen and reconsider. The motion will be rejected.

In a decision dated June 1, 1992, the director denied the Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, Group 2 status, because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the 12-month period ending on May 1, 1986. The director determined that the applicant had failed to overcome adverse evidence, which contradicted the applicant's claim of employment with farm labor contractor [REDACTED] California and [REDACTED] California. The applicant appealed the decision on September 20, 1993, more than 33 days after the issuance of the decision. On October 14, 1999, the AAO dismissed the appeal because it was untimely filed.

On July 17, 2013, more than 13 years after the AAO issued its decision, the applicant filed the instant combined motion to reopen and reconsider. Pursuant to 8 C.F.R. § 103.5(b), motions to reconsider a decision or reopen legalization proceedings and special agricultural worker proceedings under sections 245A or 210 of the Immigration and Nationality Act, shall not be considered. Accordingly, the motion must be rejected as untimely filed.

The AAO may *sua sponte* reopen any proceeding conducted by the AAO under 8 C.F.R. § 245a and reconsider any decision rendered in such proceeding. 8 C.F.R. § 103.5(b). While the AAO may *sua sponte* reopen, on its own motion, a matter previously adjudicated, the record reveals no error in the adjudication of either the application for temporary residence or the appeal that would warrant reopening.

In addition, while the applicant has submitted additional evidence in support of his motion to reopen and reconsider, the AAO does not find that this evidence warrants reopening the case. In support of the motion the applicant has submitted two additional, identical witness affidavits, attesting that the applicant has resided in the U.S. for more than twenty-six years and is a person of good moral character.<sup>1</sup> This additional evidence does not address the director's finding that the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment. Therefore, the AAO finds that the record in this case does not warrant a reopening *sua sponte*.

**ORDER:** The motions to reopen and reconsider are rejected.

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<sup>1</sup> The remaining documents submitted in support of the motion have previously been submitted into the record.