



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

(b)(6)

Date: **OCT 03 2014**

Office: CALIFORNIA SERVICE CENTER

FILE: [REDACTED]

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:

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 Western Service Center (now known as the California Service Center) Director denied the application for temporary resident status as a special agricultural worker. The matter is now before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The Western Service Center Director denied the application for Group 2 status, finding the applicant had 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. This determination was based on adverse information acquired by the Service relating to the applicant's claim of having worked for farm labor contractor [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 I-700 application, the applicant claimed he performed 102 man-days of labor for [REDACTED], harvesting grapes, in [REDACTED] California between June and December of 1985. In support of his claim, the applicant submitted a declaration signed by [REDACTED]

In the course of attempting to verify the applicant's claimed employment, the Service acquired information that contradicted the applicant's claim. In a sworn statement before an officer of this Service on April 10, 1990, [REDACTED] stated that the only work performed in agriculture during the years 1985 and 1986 relating to grapes was to rent tractors to some harvesting crews and to periodically check those tractors for necessary repairs. [REDACTED] further stated that the only agricultural workers that he employed in the years in 1985 and 1986 was a crew he hired to harvest cotton and that he did not sign any employment verification letters of or Forms I-705 for any of his cotton harvesting crewmembers.

On July 12, 1990, 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 notice was resent to the applicant on March 22, 1992. The applicant was granted thirty days to respond. In response, the applicant asserted that he did not have any additional proof of his employment and resubmitted [REDACTED] statement.

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

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. *United Farm Workers (AFL-CIO) v. INS*, Civil No. S-87-1064-JFM (E.D. Cal.).

The derogatory information obtained by the Service from [REDACTED] directly contradicts the applicant's claim. The applicant has not overcome such derogatory evidence.

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.