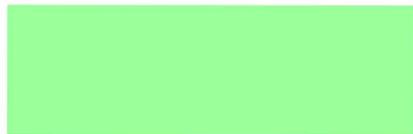
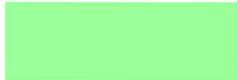


(b)(6)

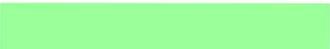


U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**



Date: Office: CALIFORNIA SERVICE CENTER FILE: 

OCT 06 2014

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 Western 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.

On August 19, 1991, 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, 1986.¹ 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] California.

On appeal, the applicant asserts that she is not at fault that [REDACTED] engaged in alleged criminal behavior.

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 she performed 98 man-days of labor for [REDACTED] California between May and September of 1985.

In support of her claim, the applicant submitted a Form I-705 affidavit signed by [REDACTED]

In the course of attempting to verify the applicant's claimed employment, the Service acquired information which contradicted the applicant's claim. [REDACTED] stated to the Service that [REDACTED] had been an employee from August 1980 to May 28, 1982 and not in 1985 and 1986. [REDACTED] a partner at [REDACTED] said that [REDACTED] did not work for his company in 1985 or 1986.

On May 10, 1991, the applicant was advised in writing of the adverse information obtained by the Service, and of the Service's intent to deny the application (NOID). The applicant was granted thirty days to respond. The applicant failed to respond to the NOID.

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

¹ The applicant filed a timely appeal on September 19, 1991. The Service Center forwarded the appeal to the AAO in May, 2014.

[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. *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] and [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.