



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

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF E-A-E-G-

DATE: DEC. 22, 2015

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

APPLICATION: FORM I-700, APPLICATION FOR TEMPORARY RESIDENT STATUS AS  
A SPECIAL AGRICULTURAL WORKER

The Applicant, a native and citizen of Mexico, seeks status as a temporary resident. *See* Immigration and Nationality Act (INA, or the Act) § 210, 8 U.S.C. § 1160. The Director, California Service Center, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker, finding the Applicant had not established that he performed at least 90 man-days of qualifying agricultural employment during the 12-month period ending May 1, 1986.

On appeal, the Applicant requests an extension of time to submit evidence, stating that he has submitted a Freedom of Information Act request and would like to hire an attorney. Finally, the Applicant states that he believes the Director's decision was erroneous.

The record includes, but is not limited to: an employment affidavit stating that the Applicant was working in agricultural employment from May 1, 1985, to May 1, 1986; affidavits from friends attesting to the Applicant's presence in the United States in 1985 and 1986 and his good moral character; numerous pay stubs; and identification documents. Although the Applicant stated that he would submit more evidence, the Applicant has submitted no additional documentation since he filed the instant appeal. The record therefore is considered complete as of the date of this decision.

The record reflects that the Applicant has not established that he performed at least 90 man-days of qualifying agricultural employment during the 12-month period ending May 1, 1986. Neither the pay stubs nor the affidavits he submitted establish that the Applicant worked in agriculture during the requisite period of time. The paystubs that show a date are from 1987 and 1988 and do not reference an employer. The paystubs without a date come from a golf course turf maintenance company. In either case they do not support the claim that the Applicant worked in agriculture during the required time frame. The three affidavits from friends indicate that the Applicant was living in the United States from 1985 and 1986 to 1988, but they do not show that he worked in agriculture for 90 days during the 12-month period before May 1, 1986. Finally, the employment affidavit is from a [REDACTED] in [REDACTED] Arizona, who claims that the Applicant worked 118 man-days of agricultural employment from May 1, 1985, to May 1, 1986, thinning, weeding, and harvesting watermelon,

(b)(6)

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cantaloupe, and onions. The affidavit states that he was paid \$3.35 per hour for this work. The record does not include corroborating documentation of the Applicant's employment.

The employment affidavit is relevant evidence and has been considered. However, going on record without supporting evidence generally is not sufficient for purposes of meeting the burden of proof in these proceedings. *See Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg'l Comm'r 1972)). In addition, the employment affidavit has been found to be not credible. The record shows that [REDACTED] was involved in an immigration fraud scheme and that he did not employ or supervise anyone in any capacity in agriculture during the qualifying period. Thus, the Applicant has not shown that he performed at least 90 man-days of qualifying agricultural employment during the 12-month period ending May 1, 1986.

In application proceedings, it is the Applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

**ORDER:** The appeal is dismissed.

Cite as *Matter of E-A-E-G-*, ID# 15174 (AAO Dec. 22, 2015)