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

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

MATTER OF M-V-G-

DATE: JAN. 27, 2016

APPEAL OF WESTERN 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 (the Act) § 210, 8 U.S.C. § 1160. The Director, Western (now California) Service Center, denied the application. We remanded the matter in order to provide the Applicant with a copy of the record. The matter is again before us on appeal. The appeal will be dismissed.

In a decision dated May 6, 1992, the Director denied the Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker because the Applicant did not establish the performance of at least 90 man-days of qualifying agricultural employment during the eligibility period. The Director also concluded that the work the Applicant performed was not qualifying agricultural work.

On appeal, the Applicant submits a Freedom of Information Act request for a copy of the record. The record shows that a copy of the record was sent to him on April 4, 1996. The Applicant asserts that he worked at [REDACTED], from May 1, 1985, to May 1, 1986, planting and trimming fruits, trees, and flowers.

In order to be eligible for temporary resident status as a special agricultural worker, a foreign national must have engaged in qualifying agricultural employment for at least 90 man-days during the 12-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).

Section 210(h) of the Act, 8 U.S.C. § 1160, defines “seasonal agricultural services” as “the performance of field work related to the planting, cultural practices, cultivating, growing, and harvesting of fruits and vegetables of every kind and other perishable commodities, as defined in regulations by the Secretary of Agriculture.”¹

¹ The regulations in effect at the time at 7 C.F.R. § 1(d) and referenced at 8 C.F.R. § 210.1(p) defined “other perishable commodities,” “agricultural lands,” and field work.”

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On the Form I-700 application, the Applicant claimed that he worked at [REDACTED] from May 1, 1985, to May 1, 1986, planting and trimming fruits, trees, and flowers. In support of the claim, the Applicant submitted a corresponding Form I-705 affidavit signed by [REDACTED]. At part 10 of the Form I-705 affidavit, where affiants are asked to specify their relationship with the Applicant, Mr. [REDACTED] indicated that he was a grower at [REDACTED]. On the Form I-705 affidavit, Mr. [REDACTED] testified that he employed the Applicant for more than 90 man-days planting and trimming trees, fruits, and flowers at [REDACTED], in [REDACTED] California from May 1, 1985, to May 1, 1986.

On March 12, 1991, the Director sent a questionnaire to [REDACTED], to the attention of [REDACTED] at the address indicated on the Form I-705. The questionnaire asked for specifics concerning the Applicant's claimed employment, including details of the duties he performed and the location where the work was performed. The Applicant was provided a copy of the questionnaire. The record does not indicate receipt of a response to the Director's questionnaire, nor does the record reflect receipt of additional evidence.

On appeal, the Applicant asserts that he did work at [REDACTED] from May 1, 1985, to May 1, 1986, planting and trimming fruits, trees and flowers. However, the record lacks supporting documentation to corroborate the Applicant's claim that he performed at least 90 days of qualifying employment on agricultural lands during the eligibility period.

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).

The Applicant has not submitted sufficient evidence on appeal to establish as a matter of just and reasonable inference the performance of at least 90 man-days of qualifying agricultural employment during the 12-month statutory period ending May 1, 1986. Consequently, the Applicant has not overcome the grounds the Director cited as the basis for denial. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.

Cite as *Matter of M-V-G-*, ID# 15170 (AAO Jan. 27, 2016)