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U.S. Citizenship
and Immigration
Services



LL6

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **OCT 20 2005**

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the service center that processed your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center, remanded by the Legalization Appeals Unit (LAU), now the Administrative Appeals Office (AAO) and denied again by the Director, California Service Center. The matter is now before the AAO on appeal. The appeal will be dismissed.

The directors denied the application because the applicant failed to establish the performance of at least 90 man-days of qualifying agricultural employment during the eligibility period. This decision was based on adverse information acquired by the Service relating to the applicant's claim of employment for [REDACTED]

On appeal from the initial denial, the applicant submitted two additional statements purportedly signed by [REDACTED]. The applicant did not respond to the second Notice of Decision.

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 Form I-700 application, the applicant claimed 96 man-days employment for [REDACTED] at Marchese Farm in San Joaquin, California from May 1985 to May 1, 1986.

In support of the claim, the applicant submitted a corresponding Form I-705 affidavit and a separate employment letter, both purportedly signed by [REDACTED]

In the course of attempting to verify the applicant's claimed employment, the Service acquired information which cast doubt on the credibility of the applicant's documentation. The signatures on the applicant's supporting documents are visibly and significantly different from authentic exemplars obtained by the Service.

On October 7, 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. The applicant was granted thirty days to respond. The record does not contain a response to the notice.

The director concluded the applicant had not overcome the derogatory evidence, and denied the application on December 4, 1991. On appeal, the applicant submitted two additional statements purportedly signed by [REDACTED]. While the statements attest to the applicant's purported employment, they fail to address the signature discrepancy noted by the director.

On December 18, 1995, the Administrative Appeals Office determined that the signature discrepancies were minimal and that it appeared that a determination could not be made without forensic analysis of the signatures. The decision was withdrawn and the case was remanded for further consideration.

Forensic analysis was conducted of the signatures submitted by the applicant and that analysis determined that the documents submitted by the applicant were most probably not signed by the same person who signed the authentic exemplars in possession of the Service.

On March 7, 2001, the applicant was again advised in writing of the adverse information obtained by the Service, and of the Service's intent to deny the application. The applicant was granted thirty days to respond. The record does not contain a response to the notice.

Subsequently, on June 9, 2004, the application was denied again by the Director, California Service Center. The record does not contain a response from the applicant to that decision.