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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
XFR 88 058 1082

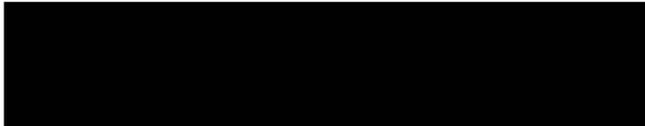
Office: CALIFORNIA SERVICE CENTER

Date: SEP 05 2006

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:



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, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status as a special agricultural worker was denied by the Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The director denied the application because the applicant failed to furnish a document, namely a Form I-693 Medical Examination of Aliens Seeking Adjustment of Status.

The record reflects that the applicant furnished two separate I-693 forms. The later form reflects that the applicant's HIV test results were negative. As the applicant overcame the single documentary deficiency stated by the director, the case should have been reopened at that point and fully adjudicated on its merits.

The case will be remanded for the purpose of a new decision addressing the above. In the event of a new decision of denial, the director will certify the decision to this office for review.

ORDER: The case is remanded for appropriate action and decision