

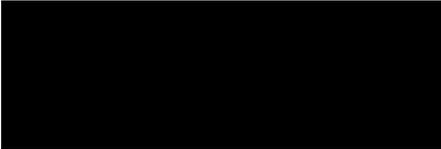
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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **SEP 29 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:

SELF-REPRESENTED

**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. Wiegmann, Director  
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 appeal will be dismissed.

The director denied the application because the applicant failed to establish his admissibility due to the lack of a fully and properly completed Medical Examination of Aliens Seeking Adjustment of Status, Form I-693.

On appeal, the applicant addresses his employment in agriculture. The applicant does not submit any additional evidence on appeal.

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).

An alien applying for special agricultural worker status must be examined at no expense to the government by a designated civil surgeon or, in the case of an applicant abroad, by a physician or clinic designated to perform medical examinations of immigrant visa applications. The medical report setting forth the findings concerning the mental and physical condition of the applicant shall be incorporated into the record. 8 C.F.R. 210.2(d). According to outstanding Service instructions, the results of any medical examination given on or after December 1, 1987 must include the results of a serologic test for HIV infection.

On January 14, 1991 and again on March 16, 2001, the applicant was requested, in writing, to submit a completed medical report (Form I-693). The applicant was granted 60 days to respond. The applicant did not submit any documentation or make any statement in response to the Service's notice.

The applicant has failed to submit a fully completed medical report, Form I-693. Consequently, pursuant to 8 C.F.R. 210.2(d) and 8 C.F.R. 210.3(b), the applicant has failed to establish that he is admissible to the United States, and is, therefore, ineligible for temporary resident status as a special agricultural worker.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.