



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

FILE: [Redacted] MSC-05-263-12578

Office: MILWAUKEE

Date: JUL 09 2007

IN RE: Applicant: [Redacted]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided 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 pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, Milwaukee, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The director denied the application because the applicant failed to present himself for an interview and did not make arrangements for another appointment at a later date.

On appeal, the applicant's attorney asserted that the applicant did not receive the interview notice, and notice given was not sufficient and/or reasonable. The attorney also stated that the applicant previously appeared for an interview on November 16, 1988.

As stated in 8 C.F.R. § 102.2(b)(13), except in relation to certain naturalization application requirements, if an individual requested to appear for an interview does not appear, the Service does not receive his request for rescheduling by the date of the interview, or the applicant has not withdrawn the application, the application shall be considered abandoned and, accordingly, shall be denied.

As stated in 8 C.F.R. § 102.2(b)(15), a denial due to abandonment may not be appealed.

The application was denied based on the applicant's failure to appear for the interview or to attempt to reschedule the interview. The applicant was invited to appear for an interview with a Citizenship and Immigration Services officer on November 10, 2005. The interview notice was issued more than one week in advance of the interview date and was sent to the applicant's address of record. The interview notice was not returned as undeliverable. According to the applicant's attorney, she also received a copy of the notice. Since the applicant failed to appear for the interview, it was considered abandoned and denied. A denial due to abandonment may not be appealed. Therefore, the appeal must be rejected.

It is noted that the applicant was invited to appear at an interview on November 16, 1988 in relation to his initial I-687 application filed on May 4, 1988. The record indicates the applicant also failed to appear at this interview.

**ORDER:** The appeal is rejected.