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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[REDACTED]

FILE:

[REDACTED]

Office: Boise

Date: OCT 15 2007

MSC 05 238 13839

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 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 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, Helena, Montana, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director concluded the applicant had abandoned his application for temporary residence by failing to respond to a request for additional supporting documentation within the requisite time and, therefore, denied the application.

On appeal, counsel asserts that the applicant did not provide the requested evidence because he did not have legal representation.

If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned, and accordingly shall be denied. 8 C.F.R. § 103.2(b)(13).

The record reflects that the applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, to Citizenship and Immigration Services, or CIS (formerly the Immigration and Naturalization Service, or the Service) on May 26, 2005. The record shows that the district director issued a Form I-72, Request for Additional Evidence, to the applicant on October 31, 2005. The applicant was granted ninety days to submit the requested documentation. The record further shows that the district director determined that the applicant failed to submit the requested evidence.

The district director determined the application had been abandoned and, therefore, denied the application pursuant to 8 C.F.R. § 103.2(b)(13).

A denial due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). As a denial due to abandonment cannot be appealed under 8 C.F.R. § 103.2(b)(15), the appeal must be rejected.

ORDER: The appeal is rejected.