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**U.S. Citizenship  
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Services**

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[REDACTED]

FILE: [REDACTED]  
MSC 05 249 16786

Office: Boise

Date: **SEP 27 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 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 has submitted sufficient evidence in support his claim of residence in the United States from prior to January 1, 1982 to May 4, 1988.

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 June 6, 2005. The record shows that the district director issued a notice of intent to deny to the applicant on January 23, 2006, which informed the applicant that he needed to submit additional evidence in support of his Form I-687 application. The applicant was granted thirty days to submit the requested documentation. The record further shows that the applicant failed to submit the requested evidence.

The 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.