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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC-06-063-12889

Office: CHICAGO

Date: **JUN 03 2008**

IN RE: Applicant: [Redacted]

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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, Chicago. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director determined that the applicant was scheduled to appear for an interview on November 7, 2006, however he failed to appear for this interview. The director found that the applicant failed to provide an explanation for his absence or a request for a reschedule of the interview. The director denied the application as abandoned because the applicant failed to appear for his interview.

On appeal, the applicant asserts that he sent a notice on November 2, 2006 stating that he would not be able to attend the interview due to family circumstances.

If an applicant fails to appear for an interview, the application shall be considered abandoned and denied unless by the appointment time Citizenship and Immigration Services (CIS) has received a change of address or rescheduling request that the agency concludes warrants excusing the failure to appear. 8 C.F.R. 103.2(b)(13)(ii). A denial due to abandonment may not be appealed to the AAO. 8 C.F.R. § 103.2(b)(15). Additionally, an applicant for temporary resident status is not entitled to file a motion to reopen a proceeding. 8 C.F.R. § 245a.2(q).

In this case, the applicant asserts that he sent a notice to reschedule his interview. However, the applicant has failed to provide a copy of his notice or evidence that it was mailed to CIS. Thus the director's decision to deny the application as abandoned was correct. Since the application was denied as abandoned, it may not be appealed to the AAO. 8 C.F.R. § 103.2(b)(15). The appeal, therefore, must be rejected.

ORDER: The appeal is rejected.