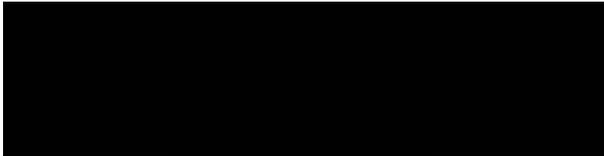


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prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

PUBLIC COPY



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FILE:



Office: NEW YORK Date:

MAY 02 2008

MSC 06 353 10707

IN RE:

APPLICANT:



PETITION: 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 PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. 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 Director, New York District Office. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant was scheduled for interview by a district adjudications officer on his application for temporary resident status, with the interview to be held at the New York District Office on May 10, 2006. The applicant received an appointment notice which stressed the importance of keeping the interview appointment, and informed the applicant that his application would be denied if the appointment was not kept. The appointment notice further informed the applicant that he could request a rescheduling of the appointment only if the request was due to an emergency, was made in writing prior to the interview date, and was accompanied by verifiable evidence of the emergency. The applicant asserts that on May 8, 2006 he requested that his appointment be rescheduled by providing the following written notice on Citizenship and Immigration Services (CIS) Form G-56: "I am sick. I am having a serious pain on my back, please give me a new date for interview." The record contains no other evidence verifying the nature and/or extent of any medical problem preventing the applicant from attending the scheduled interview date. Neither the Form G-56 nor any other evidence of record establishes that the form was properly filed with CIS prior to the scheduled appointment of May 10, 2006. The director then denied the application as having been abandoned by the applicant.

A denial due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). As such, the AAO lacks jurisdiction to determine the merits of this appeal, and it must accordingly be rejected.

ORDER: The appeal is rejected.