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

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[REDACTED]

FILE: [REDACTED]
MSC-05-234-10310

Office: CHICAGO

Date:

SEP 25 2008

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.

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, Chicago, and the applicant appealed the decision to the Administrative Appeals Office (AAO). The case was remanded to the Chicago District Office by the AAO. The director issued a Notice of Intent to Deny (NOID) and new decision, and the case is again before the AAO on appeal. The appeal will be rejected.

The director found that the applicant had failed to timely respond to the NOID issued on May 29, 2008. On July 8, 2008, the director denied the application, finding that the application was abandoned under 8 C.F.R. § 103.2(b)(13) because requested additional evidence was not submitted by the required date.

As stated in 8 C.F.R. § 103.2(b)(15), a denial due to abandonment may not be appealed. Since the denial in this case was based on the abandonment of the application, it may not be appealed. Therefore, the appeal will be rejected.

It is noted that, pursuant to 8 C.F.R. § 245a.2(q), the director may *sua sponte* reopen any adverse decision. Additionally, the director may certify any such decision to the AAO when the case involves an unusually complex or novel question of law or fact. 8 C.F.R. § 245a.2(r).

ORDER: The appeal is rejected.