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

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FILE: MSC-06-098-16660

Office: HOUSTON, TX

Date: JAN 02 2008

IN RE: Applicant:



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:



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.

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

The director denied the application because the applicant did not appear for her interview with a Citizenship and Immigration Services (CIS) or the Service officer. Therefore, the director cited 8 C.F.R. § 1103.2(b)(13), which states in pertinent part that, "If an individual requested to appear for fingerprinting or for an interview does not appear, the Service does not receive his or her request for rescheduling by the date of the fingerprint appointment or interview, or the applicant or petitioner has not withdrawn the application or petition, the application or petition shall be considered abandoned and, accordingly, shall be denied." The director went on to say that the record reflected that the Service sent the applicant her Interview Schedule Notice on October 12, 2006 and that this appointment notice was sent to her address of record at that time. It is noted here that the Interview Schedule Notice was also sent to the applicant's attorney of record.

On appeal, the applicant states that her Notice of Denial was sent to her indicating that it was issued to someone who did not have her name, [REDACTED]. The applicant asserts that she has not ever used this name. She goes on to say that the law offices of [REDACTED] do not represent her. The applicant further states that she was never notified that she was to appear for an interview on October 12, 2006. It is noted here that the director's decision was addressed to the wrong applicant but it was sent to the applicant's current address of record and showed her alien number. It is further noted that the applicant did submit a Form G-28 to the Service on February 6, 2006 on which she indicated that the law offices of [REDACTED] represented her. It is also noted that the record shows that the applicant's interview notice was sent to both the applicant and to her attorney at their current addresses of record on September 18, 2006. The record does not show that the applicant or her attorney requested that this appointment be rescheduled.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has she addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.