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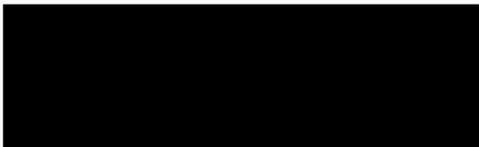
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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: HARTFORD

Date:

**JUL 25 2008**

MSC-06-101-12835

IN RE:

Applicant:



APPLICATION:

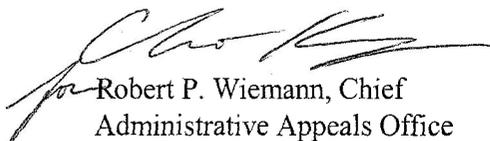
Application for Temporary Resident Status under Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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

On January 9, 2006, 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 scheduled the applicant to appear for an interview on February 6, 2007. On February 1, 2007, the applicant submitted a request to reschedule his interview indicating that he was "not ready with the papers" and needed additional time. The director determined that pursuant to the regulation at 8 C.F.R. § 103.2(b)(9)(i), the applicant failed to provide good cause to reschedule his interview. The director denied the application, deeming the application abandoned based on the applicant's failure to appear for his interview.

On appeal, the applicant requests his application to be reopened and a rescheduling of his interview.

An applicant for temporary resident status is not entitled to file a motion to reopen a proceeding or reconsider a decision. 8 C.F.R. § 245a.2(q). Thus, the applicant does not have motion rights in this proceeding. Furthermore, 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 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). Since the application was denied as abandoned, the appeal must be rejected for lack of jurisdiction. It is noted that, pursuant to 8 C.F.R. § 245a.2(q), the director may *sua sponte* reopen and reconsider any adverse decision.

**ORDER:** The appeal is rejected.