



U.S. Citizenship
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Services

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FILE:

Office: NEW YORK CITY

Date:

NOV 24 2009

MSC-06 088 15659

MSC-07 006 10841 – APPEAL

IN RE:

Applicant:

APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 245A of
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. 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.

Perry J. Rhew
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, or *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 in New York City. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected

The applicant, a native of Pakistan who claims to have lived in the United States since June 1981, submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet on December 27, 2005. The director denied the application for reason of abandonment because the applicant failed to appear for his scheduled interview scheduled on June 6, 2006.

The record reflects that the applicant submitted a letter to the director, which was received on May 17, 2006. The applicant requested that the director consolidate his Form I-687 application with his pending Form I-485 LIFE application, or in the alternative, withdraw his Form I-687 application. The applicant then requested the director to “postpone the scheduled interview for I-687 as per requested action.” On September 18, 2006 the director denied the application because the applicant was found to have abandoned the application. Specifically, the applicant failed to appear for a scheduled interview. The director notified the applicant that he does not have any appeal rights. Nonetheless, the applicant filed a Form I-694 (Notice of Appeal).

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. § 210.2(g), the director may *sua sponte* reopen any adverse decision. Additionally, the director may certify any such decision to the AAO. *See* 8 C.F.R. § 210.2(h).

ORDER: The appeal is rejected