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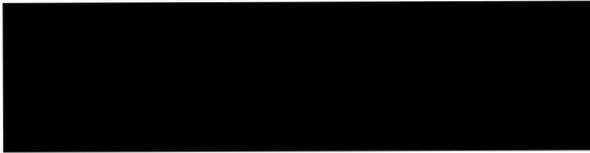
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: LINCOLN, NE

Date:

SEP 08 2008

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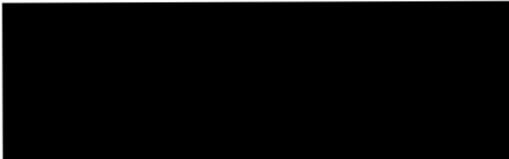
IN RE:

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been forwarded to the U.S. Citizenship and Immigration Services National Records 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 if the matter was remanded for further action, the record of proceedings was returned to the office that originally issued a decision in your case, and you will be contacted.

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: On September 24, 1987, the applicant filed a Form I-687, Application for Status as a Temporary Resident. That application was denied by the Director, Lincoln, Nebraska and is before the Administrative Appeals Office (AAO) on appeal.¹ The appeal will be summarily dismissed as abandoned.

The director determined that the applicant had been lawfully present in the United States for a portion of the requisite period. Therefore, the director denied the application.

On appeal the applicant asserted through counsel that he had resided unlawfully in the United States throughout the requisite period and that he was otherwise eligible to adjust as a lawful temporary resident under section 245A of the Act.

U.S. Citizenship and Immigration Services (USCIS) records indicate that the applicant has not updated his address with this agency since October 31, 1990. On June 5, 2009 this office issued a request that the applicant provide information relating to whether he is still pursuing this matter or whether he has abandoned the application. The applicant failed to respond, and the letter this office sent him was returned as undeliverable. The applicant's attorney submitted a response which indicates that he had lost contact with the applicant.

On July 16, 2009, this office issued an additional letter which states that before the AAO may complete the processing of this application, it needs proof of the applicant's current address such as: a photocopy of his driver's license or other current form of identification which displays both his name and address or a photocopy of a current bank statement or telephone bill which displays both his name and address. The July 16, 2009 letter also stated that before the AAO may proceed on the appeal, this office needs a statement that is dated and signed by the applicant in which he states that he is still pursuing this application and that he requests that this office render a decision on the

¹ All legalization cases filed with the U.S. Citizenship and Immigration Services (USCIS) which turn on the question of whether an applicant's unlawful status was known to the government throughout the statutory period and related issues were held for an extended period until the final terms of various legalization class-action lawsuits which relate to these issues were handed down, the final such class-action lawsuit being: *Northwest Immigrant Rights Project, et al. vs. U.S. Citizenship and Immigration Services, et al.*, 88-CV-00379 JLR (W.D. Was.) (NWIRP). It is the facts of the applicant's case that forced USCIS to place it and others like it on hold, rather than some request on the applicant's part that his case be held pending the outcome of these class-action lawsuits/settlement agreements. The terms of the NWIRP Settlement Agreement were handed down during September 2008. After that, this office began adjudicating these appeals in the order received. As a consequence, this appeal was not completed within the processing time that legalization appeals are normally completed.

appeal. The letter explained that as this is an application to adjust status to lawful temporary resident in the United States, the applicant must make this request. A representative may not make this request for him.

The July 16, 2009 letter also stated that according to the regulation set forth at 8 C.F.R. § 103.2(a)(13)(i), whenever an applicant does not submit requested material necessary for the processing and approval of a case by the required date, the matter may be summarily dismissed as abandoned. The letter instructed the applicant that if this office did not receive the requested material from him within 30 days of the date on the letter, the AAO would summarily dismiss his appeal as abandoned.

The July 16, 2009 letter addressed to the applicant's address of record was returned to this office as undeliverable. More than thirty days have passed and counsel has not replied to that letter.

ORDER: The appeal is summarily dismissed as abandoned.