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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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[redacted]

FILE: [redacted] XHO-88-504-05085 Office: CALIFORNIA SERVICE CENTER Date: AUG 04 2010

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:

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.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the director of the California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act). The director denied the application, due to the applicant's failure to appear for fingerprinting during the 87-day period beginning on February 12, 2008, and failure to submit a request to reschedule the fingerprint appointment before the expiration of this period.

The applicant has filed a motion to reopen/reconsider the proceeding, stating that she did not receive the fingerprinting appointment notice.

However, motions to reopen a proceeding or reconsider a decision shall not be considered under Section 245A of the Act. Therefore, the AAO will treat the applicant's motion to reopen/reconsider as an appeal. The applicant has not submitted any additional evidence on appeal.

The record reflects that the fingerprinting appointment notice was sent to the address on file for the applicant. The notice was sent by certified mail, return receipt requested. On or about February 14, 2008, the notice was returned because it was unclaimed.

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 addressed the grounds stated for denial, nor has she presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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