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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
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FILE: [REDACTED]
MSC-06-090-10793

Office: LOS ANGELES

Date: FEB 23 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 California Service Center automatically terminated and administratively closed the applicant's Form I-687 application under 0.1.103.2(o), after he failed to respond to Notice of Intent to Deny (NOID) as directed. The matter is now before the Appeals Adjudications Office (AAO) on appeal. The appeal will be rejected.

The Form I-687 application was automatically terminated and administratively closed after the applicant failed to respond to the NOID dated January 31, 2006, as directed. In the NOID the director specifically stated that the application would be denied if no response to the NOID was forthcoming within 30 days. There is no appeal from the decision to automatically terminate and administratively close the application.

The applicant filed an appeal dated May 30, 2007, in which he states that he never received the NOID.

Pursuant to the regulation at 8 C.F.R. § 103.5(b), while the AAO may *sua sponte* reopen or reconsider any proceeding within its jurisdiction, motions to reopen a proceeding or reconsider a decision under part 210 or 245a shall not be considered. In this case, as the director automatically terminated and administratively closed the case, the subject matter of the applicant's appeal is not under the jurisdiction of the AAO. The AAO declines to reopen the application *sua sponte*. motions by the applicant are specifically prohibited by the regulation discussed above, this motion is hereby rejected.

ORDER: The appeal is rejected.