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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CLEVELAND, OHIO Date: **MAY 11 2006**

IN RE:

Applicant:



APPLICATION:

Application for Permanent Residence Pursuant to Section 245 of the Immigration and Nationality Act, 8 U.S.C. § 1255

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Cleveland, Ohio, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant is a citizen of Egypt. On March 14, 2005, the District Director denied the applicant's Application to Register Permanent Resident or Adjust Status (Form I-485) pursuant to 8 C.F.R. § 103.2(b)(13).

The regulation at 8 C.F.R. § 103.2(b) states in pertinent part:

(13) Effect of failure to respond to a request for evidence or appearance. . . Except as provided in § 335.6 of this chapter, if an individual requested to appear for fingerprinting or for an interview does not appear, the Service does not receive his or her request for rescheduling by the date of the fingerprinting appointment or interview, or the applicant or petitioner has not withdrawn the application or petition, the application or petition shall be considered abandoned and, accordingly, shall be denied.

. . . .

(15) Effect of withdrawal or denial due to abandonment. . . A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under Sec. 103.5.

As noted above, a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen or reconsider pursuant to 8 C.F.R. § 103.5. As a denial due to abandonment cannot be appealed under 8 C.F.R. § 103.2(b)(15), the appeal must be rejected.

ORDER: The appeal is rejected.