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U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



Public Copy

FILE: [Redacted] Office: Hartford

Date: MAY 21 2001

IN RE: Applicant: [Redacted]

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

IN BEHALF OF APPLICANT:



led to
prevent clearly unwarranted
invasion (of personal privacy)

INSTRUCTIONS:

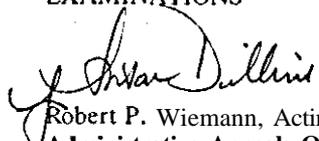
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS


Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Hartford, Connecticut. A subsequent appeal was rejected by the Associate Commissioner for Examinations. The matter is now before the Associate Commissioner on a motion to reopen. The motion will be rejected.

The applicant is a native and citizen of Poland who is seeking to adjust her status to that of a lawful permanent resident under section 245 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1255, based upon her classification as the widow of a United States citizen.

The district director denied the application after determining that the applicant was ineligible for adjustment of status because she was inadmissible to the United States pursuant to section 212 (a) (4) of the Act, 8 U.S.C. 1182(a) (4). The appeal, filed on July 31, 1997, was rejected by the Associate Commissioner on March 24, 1999 because an appeal in this case was not within his jurisdiction. He informed the applicant that pursuant to 8 C.F.R. 245.2(a) (5)I(ii), no appeal shall lie from the denial of an application by the district director, but such denial shall be without prejudice to the alien's right to renew the application in removal proceedings under 8 C.F.R. 240.

As previously determined by the Associate Commissioner, an appeal in this case is not within his jurisdiction. Accordingly, the motion to reopen is also not within the jurisdiction of the Associate Commissioner. Therefore, the motion will be rejected.

ORDER: The motion is rejected.