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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]
LIN 07 193 50609

Office: NEBRASKA SERVICE CENTER

Date:
FEB 01 2010

IN RE: Applicant: [REDACTED]

APPLICATION: APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST
STATUS

ON BEHALF OF APPLICANT:

[REDACTED]

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is the spouse of the beneficiary of a Form I-140, Immigrant Petition for Alien Worker. The applicant filed a Form I-485, Application to Register Permanent Residence or Adjust Status, on June 12, 2007, listing her spouse's pending Form I-140 as her justification for filing the application. On December 4, 2007, the director denied the application due to the simultaneous denial of the Form I-140. On December 31, 2007, the applicant filed a Form I-290B, Notice of Appeal of Motion, with the Nebraska Service Center noting in Part 2 that she was filing an appeal. However, the regulations do not permit an appeal to the AAO from the denial of a Form I-485 in these circumstances. It is noted that the applicant did not check any of the boxes pertaining to motions in Part 2 of the Form I-290B.

Accordingly, as there is no appeal from such a denial, the AAO has no jurisdiction to issue a decision in this case and the appeal must be rejected.

ORDER: The appeal is rejected.