

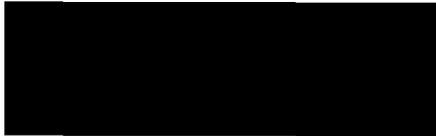
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



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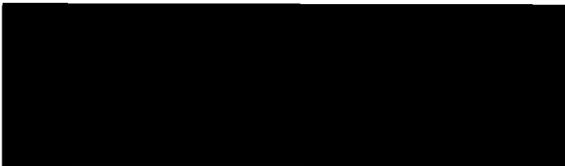
FILE:  Office: TEXAS SERVICE CENTER Date: JUL 07 2010

IN RE: Applicant: 

APPLICATION: APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS

ON BEHALF OF APPLICANT:

INSTRUCTIONS:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas 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 a 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 October 22, 2007, listing the pending Form I-140 as his justification for filing the application. On April 10, 2008, the director denied the application due to the denial of the Form I-140 on April 8, 2008. On May 27, 2008, the applicant filed a Form I-290B, Notice of Appeal or Motion, with the Texas Service Center noting in Part 2 that he 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.