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U.S. Department of Justice

Immigration and Naturalization Service

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



File:  Office: Portland Date: **JAN 13 2003**

IN RE: Applicant: 

Application: Application to Register Permanent Resident or Adjust Status pursuant to Section 245 of the Immigration and Nationality Act, 8 U.S.C. 1255

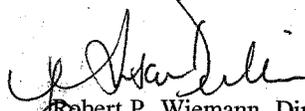
IN BEHALF OF APPLICANT: Self-represented

**PUBLIC COPY**

**INSTRUCTIONS:**

This is the decision 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.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Form I-485, Application to Register Permanent Resident or Adjust Status pursuant to section 245 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1255, was denied by the Director, Portland, Oregon, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

The application was denied by the Director, Portland, Oregon. An appeal was subsequently filed by the applicant.

The regulation at 8 C.F.R. 245.2(a)(5) states in pertinent part:

(ii) *Under section 245 of the Act.* If the application is approved, the applicant's permanent residence shall be recorded as of the date of the order approving the adjustment of status...No appeal lies from the denial of an application by the director, but the applicant, if not an arriving alien, retains the right to renew his or her application in proceedings under 8 C.F.R. part 240.

The regulation cited above precludes the AAO from considering any appeal that is filed pursuant to the denial of an application to register permanent resident or adjust status pursuant to section 245 of the Act. Accordingly, the appeal will be rejected.

**ORDER:** The appeal is rejected.