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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Applicant: [Redacted]

PETITION: Application to Register Permanent Residence or Adjust Status Pursuant to Section 245 of the Immigration and Nationality Act, 8 U.S.C. § 1255

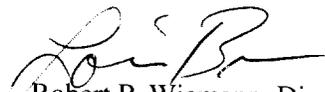
ON BEHALF OF PETITIONER:

[Redacted]

APPROVED
FOR THE DIRECTOR

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.

for 
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, denied the application for adjustment of status and the applicant appealed to the Administrative Appeals Office (AAO). The appeal will be rejected for lack of jurisdiction as no appeal lies from the denial of an application for adjustment of status under section 245 of the Act, 8 C.F.R. § 245.2(a)(5)(ii).

The regulation at 8 C.F.R. § 245.2 provides: “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 CFR part 240.” 8 C.F.R. § 103.1(f)(3)(E)(iii) provides that this office has jurisdiction over adjustment applications “when denied solely because the applicant failed to establish eligibility for the bona fide marriage exemption contained in section 245(e) of the Act.”

According to 8 C.F.R. § 103.5(a)(1)(ii), jurisdiction over a motion to reopen under 8 C.F.R. § 203.5(a)(2) or a motion to reconsider under 8 C.F.R. § 103.5(a)(3) resides in the official who made the latest decision in the proceeding. The official having jurisdiction over a motion is the official who made the last decision in the proceeding, in this case the service center director. *See* 8 C.F.R. § 103.5(a)(1)(ii). The director declined to treat the appeal as a motion and forwarded the matter to the AAO.

ORDER: The appeal is rejected.