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LA

APR 05 2005

FILE:

[REDACTED]

Office: SAINT PAUL, MINNESOTA

Date:

IN RE:

[REDACTED]

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

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.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Saint Paul, Minnesota and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant is a citizen of China. The applicant's stepfather, a United States citizen, filed an I-130 Petition for Alien Relative with the applicant as beneficiary. On May 24, 2004, the director denied the I-130. On May 25, 2004, the director denied the applicant's I-485 Application to Register Permanent Resident or Adjust Status.

The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in him through the Homeland Security Act of 2002, Pub. L. 107-296. See DHS Delegation Number 0150.1 (effective March 1, 2003); see also 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003). The AAO does not have jurisdiction over this type of I-485 filed under section 245 of the INA. Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.