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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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File: [REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: APR 22 2005

IN RE:

Applicant: [REDACTED]

APPLICATION:

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

IN BEHALF OF PETITIONER:

SELF-REPRESENTED

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.

*Mari Johnson*

*RP* Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The Application to Register Permanent Residence or Adjust Status was denied by the director, California Service Center. The petitioner filed an appeal of this application on Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO). Thus, the appeal was forwarded to this office. The appeal will be rejected.

The record reflects that the appeal is based upon the director's February 24, 2003 denial of the applicant's Form I-485, Application to Register Permanent Residence.

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

(ii) *Under section 245 of the Act.* [N]o 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."

The regulation cited above precludes the AAO from considering any appeal that is filed pursuant to the denial of an application for adjustment of status. Accordingly, the appeal will be rejected.

**ORDER:** The appeal is rejected.