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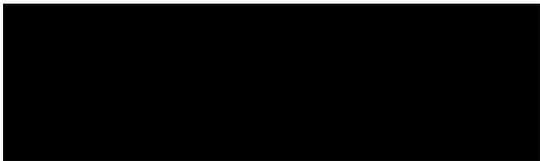
U.S. Department of Homeland Security
20 Massachusetts Ave. NW, Rm. 3000
Washington, DC 20529



U.S. Citizenship
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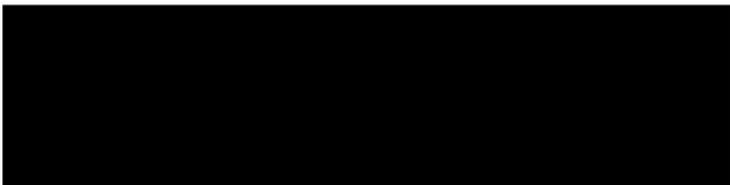


FILE: [REDACTED] Office: SANTA ANA, CA Date: **APR 22 2008**

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Santa Ana, California 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 the Philippines who was the beneficiary of a Form I-129F, Petition for Alien Fiancé(e). The applicant applied for lawful permanent residence on May 18, 2004 based on her marriage to the petitioner identified on the Form I-129F. The record indicates that on October 1, 2007 the applicant's spouse withdrew the Form I-129F. On October 3, 2007, the field office director denied the applicant's Form I-485, Application to Register Permanent Resident or Adjust Status.

On appeal, the applicant requests that her Form I-485 application be reviewed. *Form I-290B*, dated October 30, 2007.

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.