



U.S. Citizenship
and Immigration
Services

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MAY 06 2004

[Redacted]

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

IN RE: Applicant: [Redacted]

APPLICATION: Application to Register Permanent Residence or Adjust Status Pursuant to Section 202 of Public Law 105-100

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.

Mari Jensen

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Application to Register Permanent Residence or Adjust Status (Form I-485) was denied by the Director, Texas Service Center, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native of Cuba, born on July 5, 1978. The applicant last entered the United States without inspection on February 13, 1986. On March 31, 2000, the applicant applied for adjustment of status under the provisions of section 202 of Public Law 105-100 as amended.

In his decision, the director states that the applicant was given 90 days in which to submit additional evidence. The director also states that she received no response to the request for additional evidence. Therefore, the director deemed the application abandoned in accordance with 8 C.F.R. § 103.2(b)(13). Counsel subsequently filed an appeal.

The regulation at 8 C.F.R. § 103.2(b) states, in pertinent part:

(15) Effect of withdrawal or denial due to abandonment. A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under § 103.5.

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 due to abandonment. Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.