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FILE:



Office: MIAMI, FLORIDA

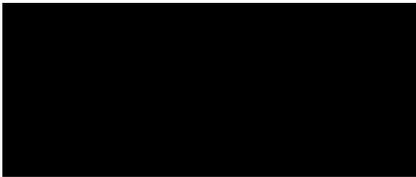
Date: SEP 26 2005

IN RE:



APPLICATION: Application for Permanent Residence Pursuant to Section 902 of the Haitian Refugee Immigration Fairness Act of 1998, Pub. L. No. 105-277 (Title IX)

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Miami, Florida, 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 Haiti and filed an I-485 Application to Register Permanent Resident or Adjust Status pursuant to the Haitian Refugee Immigration Fairness Act of 1998. On October 19, 2001, the director denied the applicant's I-485.

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 the Haitian Refugee Immigration Fairness Act of 1998. Accordingly, the appeal will be rejected.

ORDER: The appeal is rejected.