U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

A1

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date: JUL 30 2004

IN RE: Applicant: [redacted]

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

ON BEHALF OF PETITIONER:

[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.

Elizabeth O'Brien
Robert P. Wiemann, Director
Administrative Appeals Office

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The Application to Register Permanent Residence or Adjust Status was denied by the director, Texas 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 regulation at 8 C.F.R. § 245.2(a)(5)(ii) provides: "No 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." 8 C.F.R. § 103.1(f)(3)(iii)(JJ)(as in effect on February 28, 2003) provides that the AAO has jurisdiction over adjustment applications "when denied solely because the applicant failed to establish eligibility for the bona fide marriage exemption contained in section 245(e) of the Act."

The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security 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). 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).

As the jurisdiction over the appeal in this case does not lie with the AAO, the appeal must be rejected.

ORDER: The appeal is rejected.