U.S. Department of Homeland Security
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Washington, DC 20536

U.S. Citizenship and Immigration Services

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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[redacted]

FILE: [redacted] Office: CHICAGO, IL Date: FEB 02 2004

IN RE: [redacted]

PETITION: Application for Status as Permanent Resident under Section 212(A)(6)(D) of the Immigration and Nationality Act, 8 U.S.C. § 1182(A)(6)(D)

ON 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Application to Register as a Permanent Resident or Adjust Status (Form I-485) was denied by the District Director, Chicago, Illinois. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Pakistan who was found to be inadmissible to the United States under section 212(a)(6)(D) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(D), owing to her status as a stowaway. The applicant entered the United States on December 3, 2000 via a boat that sailed from Toronto, Ontario, Canada to New York, New York, United States. On April 20, 2001, the applicant filed an Application to Register as a Permanent Resident or Adjust Status (Form I-485). On November 18, 2002, the Immigration and Naturalization Service [now Citizenship and Immigration Services (CIS)] denied the application pursuant to section 212(a)(6)(D) of the Act. The applicant seeks to appeal the decision denying her Form I-485 application in order to remain in the United States.

The appellate jurisdiction of the Associate Commissioner for Examinations [now Director of CIS] is specified at 8 CFR § 103.1(f)(3)(iii) and does not provide for review of Form I-485 decisions under section 212(a)(6)(D) of the Act. Therefore, the AAO does not possess jurisdiction to render a decision on the applicant's appeal and the appeal will be rejected.

ORDER: The appeal is rejected.