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FILE: [REDACTED]
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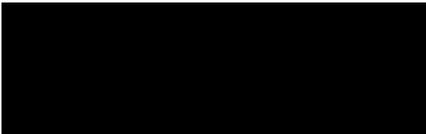
Office: DALLAS

Date: DEC 12 2007

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The District Director, Dallas, denied the application for adjustment to permanent resident status in the legalization program because it was untimely filed. The applicant subsequently appealed the director's decision to the Administrative Appeals Office (AAO). The AAO rejected the appeal, concluding that appellate review of the matter in question was prohibited by 245A(f) of the Immigration and Nationality Act. The AAO specifically noted that while the director may *sua sponte* reopen the matter, the AAO itself lacks jurisdiction to grant appellate review. The matter is now before the AAO on motion. The motion will also be rejected.

Pursuant to the regulation at 8 C.F.R. § 103.5(b), while the AAO may *sua sponte* reopen or reconsider any proceeding within its jurisdiction, motions to reopen a proceeding or reconsider a decision under part 210 or 245a shall not be considered. As previously stated, the subject matter of the applicant's appeal was not, in fact, under the jurisdiction of the AAO. Therefore, the appeal was properly rejected. Accordingly, as motions by the applicant are specifically prohibited by the regulation discussed above, this motion is hereby rejected.

ORDER: The motion is rejected.