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U.S. Citizenship  
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Services

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FILE:

[REDACTED]  
LIN 00 138 52051

Office: NEW YORK

Date:

FEB 03 2009

IN RE:

Applicant: [REDACTED]

APPLICATION: Application for Status as a Permanent Resident pursuant to the Haitian Refugee Immigration Fairness Act, as amended pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

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. 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 "John F. Grissom".

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant filed an application for permanent resident status pursuant to the Haitian Refugee Immigration Fairness Act, and is before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant filed a Form I-290B appeal on November 11, 2002, in an attempt to appeal the denial of her application. In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days after service of the unfavorable decision. Here, the applicant filed an appeal prior to the issuance of a final decision.

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), (with one exception - petitions for approval of schools under § 214.3 are now the responsibility of Immigration and Customs Enforcement (ICE)).

There is no regulatory provision that would permit the AAO to adjudicate an appeal for a petition or application that has not been adjudicated. Accordingly, the appeal must be rejected.

**ORDER:** The appeal is rejected.