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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Service  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

DATE: DEC 24 2013

Office: SEATTLE, WA

FILE: [REDACTED]

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 APPLICANT:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

A handwritten signature in black ink, appearing to read "Ron M. Rosenberg".

Ron M. Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Field Office Director, Seattle, Washington, denied the Application to Register Permanent Residence or Adjust Status (Form I-485). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant is a native and citizen of Mexico, who filed an Application to Register Permanent Residence or Adjust Status (Form I-485) based on a Petition for Alien Relative, Form I-130, filed on the applicant's behalf by his United States citizen spouse. On February 22, 2013, the field office director denied the application. On April 2, 2013, the applicant submits a Notice of Appeal or Motion (Form I-290B), seeking a review of the field office director's decision. On Part 2A of the Form I-290B, the applicant indicated that he was filing an appeal of the field office director's decision. However, on Part 2, Information About the Appeal or Motion, the applicant indicated the Application/Petition Form # as I-485,I-212, and the receipt # as [REDACTED] - the receipt number for the Form I-485 application. The AAO shall treat the Form I-290B as an appeal relating to the Form I-485 only.<sup>1</sup>

The appeal will be rejected because the AAO does not have appellate jurisdiction over an appeal from the denial of an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (the Act). 8 C.F.R. § 245.2(a)(5)(ii). 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 her 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 only 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 and the appeals of denials of such petitions are now the responsibility of Immigration and Customs Enforcement.

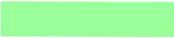
The AAO has jurisdiction to review denials of applications for adjustment of status filed by aliens seeking the bona fide marriage exemption and aliens in U or T nonimmigrant status. Section 245(e), (l) and (m) of the Act, 8 U.S.C. § 1255(e), (l), (m); 8 C.F.R. §§ 245.1(c)(8)(viii), 245.23(i), 245.24(f)(2). The AAO has no jurisdiction to review denials of applications for adjustment of status under section 245(a) of the Act. 8 C.F.R. § 245.2(a)(5)(ii).

Furthermore, the director's decision cannot be appealed.<sup>2</sup> The regulation at 8 C.F.R. § 245.2(a)(5)(ii) states, in pertinent part: "No appeal lies from the denial of an application [to

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<sup>1</sup> The applicant bears the burden of completing the Form I-290B accurately and according to its instructions. *See* 8 C.F.R. § 103.2(a)(1). While the record reflects that the director also denied the applicant's Form I-212, Application for Permission to Reapply for Admission Into the United States After Deportation or Removal, the applicant submitted only one Form I-290B. On the submitted Form I-290B, the applicant provided the receipt number for the Form I-485. We note that for each adverse decision, an applicant must submit a separate Form I-290B and associated fee. *See* 8 C.F.R. § 103.3(a)(1).

<sup>2</sup> In her February 22, 2013 decision, the field office director specifically notified the applicant that the denial may not be appealed. However, if the applicant believes the denial was in error, the applicant may file a motion to reopen or a motion to reconsider as specified at 8 C.F.R. § 103.5.



adjust status under section 245 of the Act] 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.”

Accordingly, the appeal must be rejected.

**ORDER:** The appeal is rejected.