



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF R-O-L-

DATE: NOV. 9, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

APPLICATION: FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE
OR ADJUST STATUS

The Applicant, a U-1 nonimmigrant, seeks to adjust his status. *See* Immigration and Nationality Act (the Act) § 245(m)(1); 8 U.S.C. § 1255(m)(1). The Director, Vermont Service Center, denied the application and a subsequent motion to reopen and reconsider. The matter is now before us on appeal. The appeal will be dismissed.

The record indicates that the Director denied the Applicant's Form I-485, Application to Register Permanent Residence or Adjust Status Applicant, on August 5, 2014. On September 19, 2014, the Applicant simultaneously filed an appeal to us and a motion to reopen or reconsider before the Director. The official having jurisdiction over a motion is the official who made the last decision in the proceeding, in this case the Director. *See* 8 C.F.R. § 103.5(a)(1)(ii). The Director denied the Applicant's motion to reopen or reconsider on January 31, 2015, pursuant to 8 C.F.R. §103.5(a)(4).¹ As a decision has already been made on the denial of the Applicant's Form I-485 through the Director's decision on the motion, this appeal is dismissed as moot.

ORDER: The appeal is dismissed.

Cite as *Matter of R-O-L-*, ID# 14562 (AAO Nov. 9, 2015)

¹ Specifically, the Director denied the Petitioner's motion finding that it was not timely filed. Similarly, even if the instant appeal were not mooted by the Director's determination, we would have rejected the appeal as untimely. 8 C.F.R. § 103.3(a)(2)(i), (v)(B)(1) (providing that the complete appeal must be submitted within [33] days of service of the unfavorable decision or the appeal must be rejected as improperly filed).