U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] TEXAS SERVICE CENTER DATE: MAR 2 6 2010

SRC 08 056 53042

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant petition for Alien Worker as a Skilled Worker or Professional pursuant to section 203(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(3)

ON BEHALF OF PETITIONER:

[redacted]

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions **must be submitted to the office that originally decided your case** by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, approved the immigrant visa petition on March 24, 2009. The beneficiary then submitted a Form I-485, Application to Register for Permanent Resident or Adjust Status to the Texas Service Center that the director denied on June 8, 2009. Counsel filed a Form I-290B, Notice of Appeal or Motion, with the Administrative Appeals Office (AAO) on July 7, 2009 with regard to the denial of the beneficiary's I-485 application. The appeal will be rejected as improperly filed.

As stated in the director's denial of the beneficiary's I-485 application, there is no appeal from the denial of an I-485 application, although in accordance with 8 C.F.R. §103.5, the beneficiary may file a motion to reopen or motion to reconsider with proper fee within 30 days from the date of the I-485 denial.

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). In the process of reorganizing the immigration regulations, DHS deleted the list of the AAO's appellate jurisdiction that was previously found at former 8 C.F.R. § 103.1(f)(3)(iii) (2002). 68 FR 10922 (March 6, 2003). DHS replaced the appellate jurisdiction provision with a general delegation of authority, granting USCIS the authority to adjudicate the appeals that had been previously listed in the regulations as of February 28, 2003. *See* DHS Delegation No. 0150.1 para. (2)(U) (Mar. 1, 2003). As a result, there is no generally accessible list of the AAO's jurisdiction that may be cited in immigration proceedings or in federal court.

Nevertheless, the review of appeals or motions to reconsider or reopen Form I-485 Application denials is not within the jurisdiction of the AAO. As such, the appeal is improperly filed with the AAO. The appeal is summarily rejected.

ORDER: The appeal is rejected.