



U.S. Citizenship  
and Immigration  
Services

B9

File: [REDACTED] Office: DALLAS, TEXAS FELD OFFICE

Date: DEC 04 2009

IN RE: Petitioner: [REDACTED]  
Beneficiary: [REDACTED]

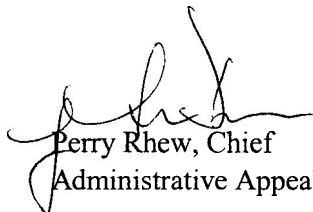
Petition: Petition for Alien Relative (Form I-130) under Section 204(a)(1)(A)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(i)

ON BEHALF OF PETITIONER:

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. Any further inquiry must be made to that office.

  
Perry Rhew, Chief  
Administrative Appeals Office

**DISCUSSION:** The petition was denied by the Field Office Director (FOD), Dallas, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner seeks immediate relative classification of her spouse pursuant to section 204(a)(1)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(i). The record reflects that in an August 3, 2009 decision, the FOD denied the petitioner's Form I-130, Petition for Alien Relative, to classify the beneficiary as the spouse of a U.S. citizen.

The petitioner submitted a Form I-290B, Notice of Appeal, to the AAO seeking review of the director's decision denying the Form I-130 petition. The AAO lacks jurisdiction over this type of petition. 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).<sup>1</sup>

The Board of Immigration Appeals (BIA) within the U.S. Department of Justice has jurisdiction over alien relative petitions filed under section 204(a)(1)(A)(i) of the Act. 8 C.F.R. § 1003.1(b)(5).<sup>2</sup> As AAO has no jurisdiction over the appeal from the denial of the Form I-130 petition for alien relative under section 204(a)(1)(A)(i) of the Act, it must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> Subsequent regulations have granted the AAO jurisdiction over additional types of cases. *See e.g.*, 8 C.F.R. §§ 245.23(i), 245.24(f)(2) (providing for the appeal from the denial of adjustment of status applications filed by aliens in U and T nonimmigrant status).

<sup>2</sup> To appeal the denial of this Form I-130 to the BIA, the petitioner should have filed a Form EOIR-29. 8 C.F.R. § 1003.3(a)(2).