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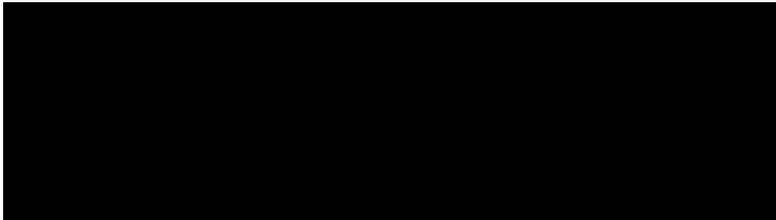
U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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File: EAC 97-184-52716

Office: VERMONT SERVICE CENTER

Date: **FEB 04 2010**

IN RE:

Petitioner:

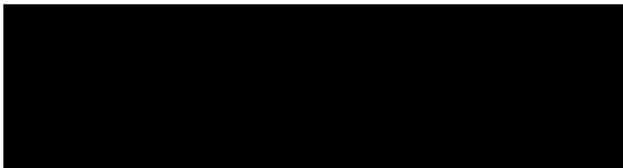
Beneficiary:



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:



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 service center director, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The petitioner, who is now deceased, sought immediate relative classification of her daughter 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 on May 4, 2009, the director issued a notice to the petitioner's estate that the I-130 approval had been automatically revoked due to the petitioner's death. In a September 9, 2009 decision, the director denied the beneficiary's request to reinstate the I-130 approval, which would have permitted the beneficiary's brother to act as the substituted petitioner.

Counsel 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).¹

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).² As the 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.

¹ 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).

² The AAO notes that the director informed the petitioner's estate that it could file a motion to reopen or reconsider the denial. Counsel, however, filed an appeal, as indicated at box B, Part 2 and again at Part 3 of the Form I-290B.