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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
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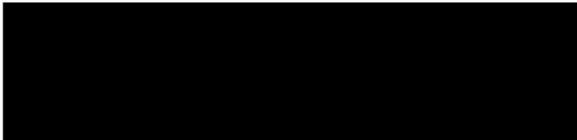
FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date:

JAN 13 2010

IN RE: Applicant: [REDACTED]

APPLICATION: 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 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.

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 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).

M. DeAdrade
Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Application to Register Permanent Residence or Adjust Status was denied by the director, Texas Service Center. The applicant filed an appeal of this application on Form I-290B, Notice of Appeal or Motion to the Administrative Appeals Office (AAO). Thus, the appeal was forwarded to this office. The appeal will be rejected.

The applicant filed this adjustment of status application under section 245 of the Immigration and Nationality Act, as the derivative spouse of a principal alien who applied for adjustment of status based on a first preference employment-based immigrant visa petition. The director denied the application because the principal alien's adjustment of status application and immigrant visa petition were denied.

The regulation at 8 C.F.R. § 245.2(a)(5)(ii) provides that "[n]o appeal lies from the denial of an application 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." As such, the appeal will be rejected because the regulations do not permit AAO jurisdiction over the applicant's appeal.

ORDER: The appeal is rejected.