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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:

Office: SACRAMENTO

Date:

MAY 07 2010

MSC-05-188 12157

IN RE:

Applicant:

APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 245A of
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Sacramento, California on February 26, 2007. On March 18, 2007 the applicant filed an appeal before the Administrative Appeals Office (AAO). On October 30, 2007 the AAO dismissed the appeal. On February 5, 2008, the applicant filed a second appeal of the denial of his temporary resident status. The appeal will be rejected.

In order to properly file an appeal, the regulation at 8 C.F.R. § 245a.2(p) provides that an application for permanent resident status may be appealed to the Administrative Appeals Office within thirty (30) days *after* service of the notice of denial. Here, the applicant filed an appeal following the final dismissal of his appeal by the AAO on October 30, 2007. The applicant filed two appeals of the same decision.

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). The AAO exercises appellate jurisdiction over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), (with one exception - petitions for approval of schools under § 214.3 are now the responsibility of Immigration and Customs Enforcement (ICE)).

There is no regulatory provision that would permit the applicant to file more than one appeal of the same decision. Furthermore, the applicant does not have the right to file a motion to reopen proceedings or to reconsider a decision. Accordingly, the appeal must be rejected.

ORDER: The appeal is rejected.