

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave. NW, Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



L2

FILE:



Office: MILWAUKEE, WISCONSIN Date: **MAY 11 2006**

IN RE:

Applicant:



APPLICATION:

Application for Permanent Residence Pursuant to Section 245 of the Immigration and Nationality Act, 8 U.S.C. § 1255

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 originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was withdrawn based upon a written request by the applicant, and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant is a citizen of Jordan. On November 19, 2004, the District Director, Chicago, Illinois, informed the applicant that based upon his written request his Application to Register Permanent Resident or Adjust Status (Form I-485) was withdrawn and no further action would be taken.

On December 22, 2004, counsel filed an appeal. On appeal, counsel states that on November 19, 2004, the District Director denied the adjustment of status application and he is appealing that decision. In addition, counsel states that in April 2001 the applicant mistakenly withdrew the Form I-485.

The regulation at 8 C.F.R. § 103.2 states in pertinent part:

Applications, petitions, and other documents.

(b) Evidence and processing.

. . .

(6) **Withdrawal.** An applicant or petitioner may withdraw an application or petition at any time until a decision is issued by the Service or, in the case of an approved petition, until the person is admitted or granted adjustment or change of status, based on the petition. However, a withdrawal may not be retracted.

As noted above, the District Director did not deny the Form I-485. The applicant withdrew it. Since a withdrawal may not be retracted, the appeal will be rejected as a matter of law.

ORDER: The appeal is rejected.