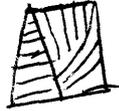
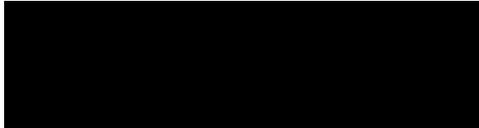




U.S. Citizenship  
and Immigration  
Services

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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



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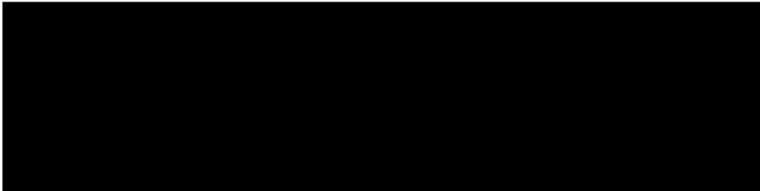
Office: PHOENIX, AZ

Date: FEB 22 2007

IN RE: 

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Phoenix, Arizona and 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 Mexico. On June 2, 2005, the district director denied the applicant's Form I-485, Application to Register Permanent Resident or Adjust Status due to abandonment and informed the applicant there was no appeal available in such cases. The denial of an application or petition due to abandonment may not be appealed. 8 C.F.R. § 103.2(b)(15). The district director also denied the applicant's Form I-601, Application for Waiver of Grounds of Excludability indicating that no purpose would be served in granting the application as the Form I-485 had been denied for abandonment.

Counsel, on June 31, 2005, submitted the Form I-290B, Notice of Appeal to the Administrative Appeals Office, to the AAO seeking review of the district director's denial of the Form I-485.

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). The AAO does not have jurisdiction over this type of I-485 filed under section 245 of the INA. Accordingly, the appeal will be rejected.

**ORDER:** The appeal is rejected.