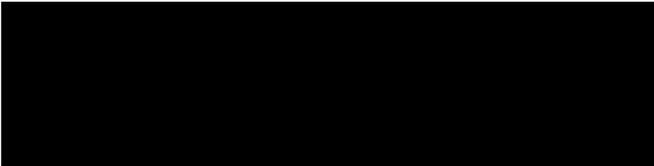




U.S. Citizenship
and Immigration
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prevent clearly unwarranted
invasion of personal privacy



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FILE:



Office: CHICAGO, ILLINOIS

Date: MAR 08 2007

IN RE:

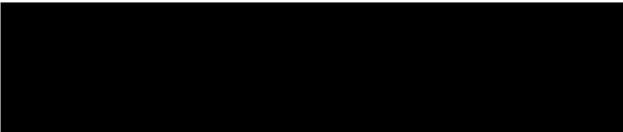
Applicant:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Acting District Director, Chicago, Illinois, and is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded to the director for further action.

The record reflects that the applicant is a citizen of Mexico. On July 3, 2006, the Acting District Director denied the applicant's Application to Register Permanent Resident or Adjust Status (Form I-485). On July 25, 2006, the applicant, through counsel, filed a Notice of Appeal to the AAO (Form I-290B). On December 11, 2006, the District Director found no grounds for reopening or approving the appeal and forwarded the Form I-290B to the AAO.

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 Form I-485, filed under section 245 of the Immigration and Nationality Act.

The Form I-290B should not have been forwarded to the AAO. Form I-290B is used for both appeals to the AAO and motions to the director. As the AAO does not have jurisdiction over this particular type of application, the director must render a complete decision, taking into consideration the assertions made by counsel on the Form I-290B.

Based on the above, the matter is remanded to the director to properly consider the assertions by counsel and provide counsel with a full decision. The matter is not to be returned to the AAO.

ORDER: The appeal is remanded to the director as discussed above.