



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

Office: PHOENIX, AZ

Date: **AUG 05 2008**

IN RE:

[REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

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 for permanent residence was denied by the District Director, Phoenix, Arizona and are 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 and the beneficiary of an approved Form I-130, Petition for Alien Relative, filed by her U.S. citizen mother. On November 21, 2005, the district director issued a notice of intent to deny finding that the applicant was inadmissible under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having procured admission into the United States by falsely claiming U.S. citizenship on December 30, 1993. *Notice of Intent to Deny*, dated November 21, 2005. The director notified the applicant that she had 12 weeks to submit a waiver application or evidence that she was not inadmissible to the United States. The applicant was notified that she also needed to submit an Affidavit of Support, Form I-864. *Id.* On February 16, 2006, the applicant, through counsel, responded to the director's notice of intent to deny. On March 24, 2006, the director denied the applicant's application for permanent residence, Form I-485, finding her inadmissible under section 212(a)(4)(C) of the Act as a person who is likely to become a public charge. Also on March 24, 2006, the director denied the applicant's waiver application, Form I-601, finding that the waiver application was no longer supported by an underlying Form I-485.

On appeal, the applicant states that on April 20, 2005 she was interviewed with regard to her Form I-485 and on November 21, 2005 she received an intent to deny her application. She states that the director requested that she provide a Form I-864 with all of the required documentation from a joint sponsor. On February 16, 2006, the applicant states that she submitted a Form I-601 with the supporting documentation. She states further that the sponsor on her Form I-864 does not have an income sufficient for eight people. Finally, she states that on March 24, 2006 she received a letter stating that she needed to appeal within thirty days and include the correct Form I-864 documentation. *Form I-290B*, dated April 24, 2006.

The applicant has submitted a Form I-290B, Notice of Appeal to the Administrative Appeals Office, that addresses the district director's denial of the Form I-485.

The AAO notes that 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 the type of I-485 filed by the applicant under section 245 of the INA. Accordingly, the appeal of the applicant's Form I-485 will be rejected.

ORDER: The appeal is rejected.