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L2

[Redacted]

FILE:

[Redacted]
MSC 07 101 21852

Office: LEE'S SUMMIT

Date:

FEB 25 2009

IN RE:

Applicant: [Redacted]

APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally 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.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Los Angeles, California. A subsequent appeal was denied by the Administrative Appeals Office (AAO). A subsequent application for employment authorization was denied by the Director, Lee's Summit, and the case is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reveals that the applicant filed an Application for Adjustment of Status, Form I-485, on April 26, 2002 under CIS receipt number MSC 02 208 61864. The District Director, Los Angeles, California, denied that application on September 13, 2006. A subsequent appeal was summarily dismissed by the Chief, AAO, on September 10, 2008.

The applicant also submitted an Application for Employment Authorization, Form I-765, under CIS receipt number MSC 07 101 21852, which was denied by the Director, Lee's Summit, on March 13, 2007. The applicant submitted a Form I-290B, Notice of Appeal or Motion, the denial of his employment authorization application. The director forwarded the matter to the AAO.

Neither the Act nor the pertinent regulations grant the AAO authority to adjudicate the denial of an application for employment authorization. The official having jurisdiction over this appeal is the official who made the last decision in the proceeding, in this case the district director. *See* 8 C.F.R. § 103.5(a)(1)(ii). Therefore, the director must consider the matter as a motion to reopen/reconsider and render a decision accordingly.

ORDER: The appeal is rejected. The matter is returned to the director for consideration as a motion to reopen/reconsider.