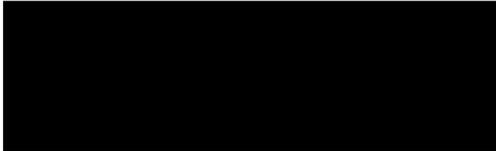




U.S. Department of Justice
Immigration and Naturalization Service

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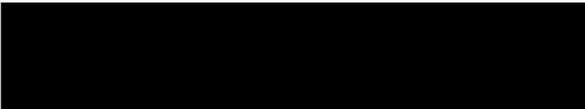
OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



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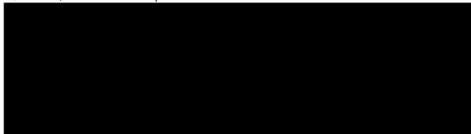
FILE  Office: Hartford

Date: JUL - 9 2001

IN RE: Applicant: 

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

IN BEHALF OF APPLICANT:



Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Miami, Florida, and is now before the Associate Commissioner, Examinations, on appeal. The appeal will be rejected.

The applicant is a native and citizen of Mexico who is seeking to adjust her status to that of a lawful permanent resident under section 245 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1255, based on an approved immigrant petition filed in her behalf by her lawful permanent resident spouse.

The district director determined that the applicant failed to furnish a co-sponsor, Form 864 (Affidavit of Support), and Federal tax returns for the most recent three years as had been requested on January 13, 2000. The district director, therefore, denied the application.

On April 14, 2000, the applicant filed Form I-290B appealing the district director's decision to deny the application.

Pursuant to 8 C.F.R. 245.2(a)(5)(ii), no appeal shall lie from the denial of an application by the district director, but the applicant retains the right to renew her application in proceedings under 8 C.F.R. 240. The appeal in this case is not within the jurisdiction of the Associate Commissioner for Examinations. Therefore, the appeal will be rejected.

ORDER: The appeal is rejected.