U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

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FILE: [redacted] Office: TEXAS SERVICE CENTER Date: NOV 30 2005

IN RE: Applicant: [redacted]

APPLICATION: Application for Permanent Residence Pursuant to Section 1 of the Cuban Adjustment Act of November 2, 1966 (P.L. 89-732)

ON BEHALF OF PETITIONER:

[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, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, who certified her decision to the Administrative Appeals Office (AAO) for review. The Director's decision will be affirmed.

The applicant is a native and citizen of Cuba who filed this application for adjustment of status to that of a lawful permanent resident under section 1 of the Cuban Adjustment Act (CAA) of November 2, 1966. The CAA provides, in part:

> [T]he status of any alien who is a native or citizen of Cuba and who has been inspected and admitted or paroled into the United States subsequent to January 1, 1959 and has been physically present in the United States for at least one year, may be adjusted by the Attorney General, (now the Secretary of Homeland Security, (Secretary)), in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if the alien makes an application for such adjustment, and the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence.

The Director determined that the applicant was not eligible for adjustment of status because he failed to present documentation required by law to adjust his status and denied the application accordingly. *See Director's Decision* dated September 28, 2005.

The regulation at 8 C.F.R. § 245.2(a) states in pertinent part:

> (3) Submission of documents.-
>
> > (iv) Under the Act of November 2, 1966. An application for adjustment of status is made on Form I-485A. . . . . The application must include a clearance from the local police jurisdiction for any area in the United States when the applicant has lived for six months or more since his or her 14th birthday.

The record reflects that on August 15, 2005, the Acting Director issued an Intent to Deny the application for adjustment of status. The Acting Director requested that the applicant submit a letter of clearance from the police department or sheriff's office from every city in the United States where he resided for six months or more, giving the applicant 30 days to respond. The applicant submitted a letter from the Circuit and County Courts of the Eleventh Judicial Circuit of Florida in and for Miami Dade County.

In her August 15, 2005 Intent to [redacted] the Acting Director clearly informed the applicant that Court letters would not be accepted. On notice of certification, the applicant was offered an opportunity to submit evidence in opposition to the Director's findings. On October 20, 2004, the applicant submitted the required documentation.

Pursuant to section 291 of the Immigration and Nationality Act, 8 U.S.C. § 1361, the burden of proof is upon the applicant to establish that he is eligible for adjustment of status. He failed to meet that burden within the required time frame after an Intent to Deny was issued. The decision of the Director to deny the application will be affirmed.

This decision, however, is without prejudice to the filing of a new application for adjustment of status, along with the proper documentation and the appropriate fee.

ORDER: The Director's decision is affirmed.