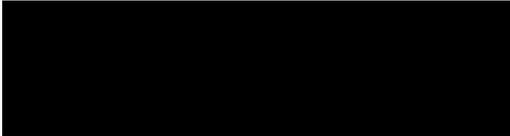


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FILE: [REDACTED] Office: TEXAS SERVICE CENTER Date: APR 21 2006

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Permanent Residence Pursuant to Section 209(b) of the Immigration and Nationality Act.

ON BEHALF OF PETITIONER: SELF-REPRESENTED

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 The Director's decision will be withdrawn, and the matter will be remanded to her for further action.

The Director determined that the applicant was not eligible for adjustment of status to that of a lawful permanent resident under section 1 of the Cuban Adjustment Act (CAA) of November 2, 1966, because he failed to present documentation required by law to adjust his status and denied the application accordingly. *See Director's Decision* dated February 14, 2006.

The AAO notes that in her decision the Director states that the applicant is applying to adjust his status under section 1 of the CAA of November 2, 1966. The record of proceedings reflects that the applicant was granted asylum status on November 13, 1995. In addition, the applicant completed Part 2, box d, on his Application to Register Permanent Residence or Adjust Status (Form I-485) that states:

I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.

The applicant in the present case filed a Form I-485 under section 209(b) of the Immigration and Nationality Act (the Act), as an alien who has been granted asylum status and not under section 1 of the CAA as erroneously stated by the Director in her decision.

Based on the above, the record will be remanded to the Director in order to adjudicate the Form I-485 pursuant to section 209 of the Act.

ORDER: The matter is remanded to the Director for further action consistent with the foregoing discussion.