

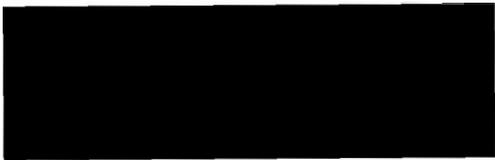


U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: TEXAS SERVICE CENTER

Date: MAY 12 2006

IN RE:

Applicant:



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:



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 an 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 she failed to present documentation required by law to adjust her status and denied the application accordingly. *See Director's Decision* dated January 23, 2006.

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 July 30, 2005, 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 she resided for six months or more, giving the applicant twelve weeks to respond. The applicant submitted letters from the Miami Dade, Florida and the Edgewater, New Jersey, Police Departments. The record of proceedings reflects that the applicant resided in Jersey City, New Jersey for a period of six months or more.

On December 2, 2005, the Director issued an Intent to Deny the application for adjustment of status. The Director requested that the applicant submit a letter of clearance from the Jersey City police department or sheriff's office, giving the applicant 30 days to respond. The applicant failed to submit the requested documentation and the application for adjustment of status was denied.

On notice of certification, the applicant was offered an opportunity to submit evidence in opposition to the Director's findings. No additional evidence has been entered into the record.

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 she is eligible for adjustment of status. The applicant 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.