identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529

U.S. Citizenship and Immigration Services

A2

PUBLIC COPY

[redacted]

FILE: [redacted] Office: TEXAS SERVICE CENTER Date: AUG 2 8 2006

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, Chief
Administrative Appeals Office

DISCUSSION: The application was approved by the Acting Director, Texas Service Center, who certified her decision to the Administrative Appeals Office (AAO) for review. The Acting 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 Acting Director determined that the applicant was eligible for adjustment of status after she submitted documentation required by law to adjust her status and approved the application accordingly. *See Actnig Director's Decision* dated September 1, 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 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 a letter from the Palm Beach County Sheriff's office. Although the letter submitted is in the applicant's maiden name, she has met the requirements of eligibility for adjustment of status under section one of the CAA of November 2, 1996.

Pursuant to section 291 of the Act, 8 U.S.C. § 1361, the burden of proof is upon the applicant to establish that she is eligible for adjustment of status. Here, the applicant has met that burden. Accordingly, the Acting Director's decision will be affirmed.

ORDER: The Acting Director's decision is affirmed.