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U.S. Citizenship
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Services

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FILE:

Office: BALTIMORE, MARYLAND Date:

MAR 05 2009

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)

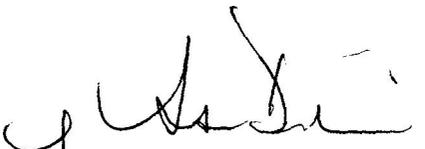
ON BEHALF OF APPLICANT:

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Baltimore, Maryland, who certified his decision to the Administrative Appeals Office (AAO) for review. The director's decision will be affirmed. The application will be denied.

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 pertinent 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.

A review of the record reveals the following facts and procedural history: On June 2, 2005, the applicant arrived at Miami International Airport and presented himself and a Cuban birth certificate to an officer of Customs and Border Protection (CBP). The CBP officer served a Notice to Appear (NTA) upon the applicant for a hearing before an immigration judge, and the applicant was paroled into the United States pending the outcome of his hearing. On September 21, 2006, the applicant filed the instant Form I-485 with U.S. Citizenship and Immigration Services (USCIS). During an interview with a USCIS officer in September 2007, the applicant was requested to submit, within 12 weeks, police clearances for all jurisdictions where the applicant had lived in the United States for more than six months. The applicant submitted a police clearance from the State of Maryland in October 2007; however, the applicant's Form G-325A, Biographic Information, had indicated that the applicant lived in the State of Florida for more than one year. The applicant did not submit a police clearance pertaining to his residence in the State of Florida.

In an undated decision, the director determined that the applicant was not eligible for adjustment of status because he failed to establish that he was not convicted of a crime involving moral turpitude or otherwise admissible to the United States. The director denied the application and certified his decision to the AAO for review. The director informed the applicant that he had 30 days to supplement the record with any evidence that he wished the AAO to consider. The applicant has not submitted any evidence for consideration.

An application for adjustment of status under section 1 of the CAA must include a clearance from the local police jurisdiction for any area in the United States where the applicant has lived for six months or more since his or her 14th birthday. 8 C.F.R. § 245.2(a)(3)(iv). As the applicant has not submitted the required police clearance from the jurisdictions where the applicant lived in the State of Florida, the application must be denied. 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. The applicant has not met his burden. Accordingly, the director's decision is affirmed.

ORDER: The director's decision is affirmed. The application is denied.