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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090

U.S. Citizenship
and Immigration
Services

A-2

FILE:

Office: HIALEAH FIELD OFFICE

Date:

SEP 15 2009

IN RE:

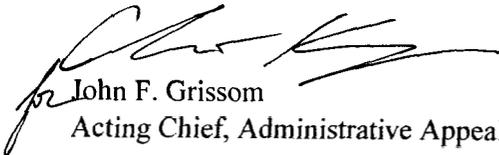
Applicant:

APPLICATION: Application for Adjustment of Status to that of Person Admitted for Permanent Residence under Section 1 of the Cuban Refugee Adjustment Act of November 2, 1966 (P.L. 89-732)

ON BEHALF OF APPLICANT:

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.



John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Hialeah, Florida and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

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 Refugee Adjustment Act (CAA) Pub. L No. 89-732 (Nov. 2, 1966). The director denied the application on May 5, 2009, and the applicant filed an appeal from that denial. The AAO does not have appellate jurisdiction over an appeal from the denial of an application for adjustment of status under the CAA. 8 C.F.R. § 245.2(a)(5)(iii).

The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in her through the Homeland Security Act of 2002, Pub. L. 107-296. *See* DHS Delegation Number 0150.1 (effective March 1, 2003); see also 8 C.F.R. § 2.1 (2003). The AAO exercises appellate jurisdiction only over the matters described at 8 C.F.R. § 103.1(f)(3)(iii) (as in effect on February 28, 2003), with one exception - petitions for approval of schools and the appeals of denials of such petitions are now the responsibility of Immigration and Customs Enforcement. No appeal lies from the denial of an application for adjustment of status under the CAA. 8 C.F.R. § 245.2(a)(5)(iii).

The AAO takes note that, in the denial decision, the director did not advise the applicant that the denial could be appealed. The AAO does not have jurisdiction over an appeal from the denial of a Form I-485 adjustment application filed under section 1 of the Cuban Adjustment Act (CAA) of November 2, 1966. Accordingly, the appeal must be rejected.

ORDER: The appeal is rejected.