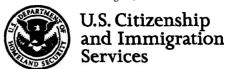
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### U.S. Department of Homeland Security U. S. Citizenship and Immigration Services Office of Administrative Appeals, MS 2090 Washington. DC 20529-2090



# PUBLIC COPY

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File:

Office: KENDALL, FLORIDA

Date: FEB 0 1 2010

MSC 07 304 27325

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:

## **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.

Perry Rhew

Chief, Administrative Appeals Office

MSC 07 304 27325 Page 2

**DISCUSSION:** The application was denied by the Field Office Director, Kendall, 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 Adjustment Act (CAA) of November 2, 1966. The director denied the application on June 26, 2009, and the applicant filed an appeal from that denial.

The regulation at 8 C.F.R. § 245.2(a)(5)(iii) states, in pertinent part:

Under the Act of November 2, 1966. [N]o appeal lies from the denial of an application by the director . . . .

As the AAO does not have appellate jurisdiction over an appeal from the denial of an application for adjustment of status pursuant to section 1 of the CAA, the appeal must be rejected.

**ORDER:** The appeal is rejected.