



U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



Public Copy

A2

FILE: [Redacted]

Office: Texas Service Center

Date: NOV 27 2000

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)

IN BEHALF OF APPLICANT: Self-represented

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Mary C. Mulrean, Acting Director
Administrative Appeals Office

NOV 27 2000 02:17:11

DISCUSSION: The application was denied by the Director, Texas Service Center, who certified his decision to the Associate Commissioner, Examinations, for review. The director's decision was withdrawn and the case was remanded for further action. The director has again denied the application and certified his decision to the Associate Commissioner for review. The director's decision will be affirmed.

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 of November 2, 1966. This Act provides for the adjustment of 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, to that of an alien lawfully admitted for permanent residence if the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence.

The director originally denied the application for adjustment of status on July 16, 1997, after determining that the applicant failed to submit additional evidence as had been requested on October 15, 1996: (1) a letter of clearance from the police department of sheriff's office from every city in the United States where he has resided for six months or longer; and (2) if he has ever been arrested, to submit a copy of all arrest records, and the court's final disposition of each case.

On June 30, 1998, the Associate Commissioner remanded the case to the director in order that he may locate the applicant's Service file to determine if the applicant did submit the documents requested.

In his second decision dated July 6, 2000, the director noted that the applicant was afforded another opportunity to submit the requested evidence on March 9, 2000. However, the Service Motion to Reopen and Reconsider was returned by the Postal Service as undeliverable. Because the applicant has not notified the Service of his current address, nor has he responded to the request for additional evidence, the director denied the application.

Again on notice of certification, the applicant was extended an opportunity to provide the required documents. The record reflects that the documents have not been supplied.

Pursuant to section 291 of the Act, the burden of proof is upon the applicant to establish that he is eligible for adjustment of status. He has failed to meet that burden. Therefore, the decision of the director to deny the application will be affirmed.

ORDER: The director's decision is affirmed.