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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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File: [REDACTED] Office: KENDALL, FLORIDA
MSC 09 197 23547

Date: FEB 01 2010

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:

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.

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Kendall, Florida, and the matter 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 August 31, 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.

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.¹

ORDER: The appeal is rejected.

¹ The AAO notes that, even if it had appellate jurisdiction over this appeal, it would have rejected it because it was not timely filed. The director issued the denial decision on August 31, 2009 and the appeal was received by U.S. Citizenship and Immigration Services (USCIS) 43 days later, on October 13, 2009. An affected party must file the complete appeal within 30 days of service of the unfavorable decision. 8 C.F.R. § 103.3(a)(2)(i). If the decision was mailed, the appeal must be filed within 33 days. See 8 C.F.R. § 103.5a(b).