

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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

PUBLIC COPY

A₂

File: [REDACTED] Office: SPOKANE, WASHINGTON
MSC 07 187 14589

Date: MAY 11 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 APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Spokane, Washington, who certified her decision to the Administrative Appeals Office (AAO) 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 (CAA) of November 2, 1966. The director denied the application on January 5, 2010 because the applicant failed to submit requested evidence, specifically, a Form I-601, Application for Waiver of Grounds of Inadmissibility, along with supporting evidence. The director certified her decision to the AAO for review and provided the applicant with a period of 30 days to supplement the record with a brief or any additional evidence. As of this date, the AAO has not received any supplemental materials and considers the record complete.

As the applicant has not presented any evidence or arguments in rebuttal to establish that the director's decision was erroneous, the AAO shall not disturb the decision to deny the application. In accordance with 8 C.F.R. § 103.2(a)(7)(i), an application received in a U.S. Citizenship and Immigration Services (USCIS) office shall be stamped to show the time and date of actual receipt, if it is properly signed, executed, and accompanied by the correct fee or a waiver of the filing fee has been granted. An application or petition which is not properly signed or is submitted with the wrong filing fee shall be rejected as improperly filed. Your record contains a Form I-797, dated November 19, 2009, which notified you that a Form I-601 that you sought to file was being rejected. Therefore, at the time of the director's decision, you had not properly filed a Form I-601, which the director specifically requested in her September 2009 Notice of Intent to Deny.

The burden of proving eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

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