



## **All About Cuban Adjustment Frequently Asked Questions**

### **Who qualifies for adjustment under the Cuban Adjustment Act (CAA)?**

To qualify for Cuban adjustment as a principal applicant one must:

- (1) be a native or citizen of Cuba
- (2) have been inspected and admitted or paroled into the United States after Jan. 1, 1959<sup>1</sup>
- (3) be physically present in the United States for at least one year and at the time of applying for adjustment<sup>2</sup>
- (4) be admissible to the United States, and
- (5) merit a favorable exercise of discretion.

The text of the CAA, found in Public Law 89-732, uses the word "native" rather than the more commonly used "national" without defining the term. The USCIS website indicates "native" to mean someone who is born in Cuba and the word "citizen" to refer specifically to individuals born outside of Cuba.

### **What should individuals include in their application under the CAA?**

According to the USCIS website, applicants should submit the following to the Chicago Lockbox to apply for adjustment under the CAA:

- Form I-485, Application to Register Permanent Residence or Adjust Status
- Two passport-style photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Evidence of being a Cuban native or having Cuban citizenship
- Evidence of physical presence in the United States for at least one year prior to the date of filing Form I-485
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)

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<sup>1</sup> USCIS has taken the position that "having been inspected and admitted or paroled" is a one-time event and the parole does not need to extend through the adjudication of the adjustment application.

<sup>2</sup> The physical presence requirement, initially "at least two years," was modified to at least "one year," by the Refugee Act of 1980, Pub. L. No. 96-212, § 203(i).

- Copy of Form I-94, Arrival/Departure Record, or copy of the U.S. Customs and Border Protection (CBP) admission or parole stamp on the travel document (if applicable)<sup>3</sup>
- Filing fee, unless applying for a fee waiver on Form I-912, Request for Fee Waiver
- Form I-601, Application for Waiver of Grounds of Inadmissibility (if applicable)
- Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal (if applicable)
- Form I-765, Application for Employment Authorization (optional)
- Form I-131, Application for Travel Document (if applicable).

### **What proof of Cuban citizenship or nationality is acceptable?**

USCIS issued a policy alert in August 2019 updating its guidance for the adjudication of CAA cases. The agency clarified that where an individual was born in Cuba, an expired or unexpired Cuban passport listing the passport holder's place of birth as Cuba can establish that he or she is a Cuban native. A Cuban birth certificate issued by the appropriate civil registry in Cuba is also acceptable evidence of being a "native." Where an individual was born outside of Cuba, an *unexpired* Cuban passport can evidence his or her Cuban citizenship. In addition, a Cuban Citizenship Letter or a Nationality Certificate can demonstrate Cuban citizenship. USCIS also clarified that a birth certificate issued by the Civil Registry in Cuba and a Cuban consular certificate documenting an individual's birth outside of Cuba to at least one Cuban parent are no longer sufficient to establish Cuban citizenship.

### **Can a Cuban national be eligible to adjust under the CAA if he or she entered as a citizen of another country?**

Yes. If a Cuban national is admitted or paroled into the United States on a passport from another country, he or she can still be eligible for adjustment under the CAA as long as the applicant provides proof of Cuban citizenship or nationality.

### **Is physical presence counted from the date of entry or from the date of inspection and admission or parole?**

Some applicants for adjustment under the CAA might have entered the United States without inspection and obtained parole at a later date from CBP, ICE or USCIS. The question in such circumstances arises, therefore, whether physical presence is counted from the date of entry or the date of parole. Although USCIS has not issued any official guidance on this question in either its Policy Manual or the AFM, on its webpage, "Green Card for a Cuban Native or Citizen," it provides the following instruction: "If DHS paroles you, and you have already been physically present in the

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<sup>3</sup> Some individuals who have no paper copy of an I-94 can find their I-94 document on the DHS website: [Official Site for Travelers Visiting the United States: Apply for or Retrieve Form I-94, Request Travel History and Check Travel Compliance](#), if they enter either their passport or A number as given on their processing documents. In addition, some applicants receive an "Interim Notice Authorizing Parole," in place of an I-94, which can also be submitted as evidence of parole.

United States for at least one year at the time DHS paroles you, then you may apply for adjustment of status immediately after being paroled. Your one-year period of physical presence does not need to follow the parole.”<sup>4</sup> The I-485 instructions contain similar language on page 33.

Unfortunately, practitioners report that some USCIS officers are either not adequately trained on or do not follow this interpretation of the law and issue Requests for Evidence (RFEs) or deny cases where one year of physical presence has not been accrued since the date of *parole*. CLINIC encourages practitioners to advocate for officers to apply the plain language of the statute and count the one year of physical presence from the date of initial *entry* where an applicant entered without inspection.

### **Can an applicant apply even if he or she left the United States during the one-year physical presence period?**

Although the law does not specify whether the one-year physical presence must be continuous, the USCIS Adjudicator’s Field Manual (AFM)<sup>5</sup> states that it is counted in the aggregate, citing *Matter of Riva*. According to the regulations, a temporary absence does not interrupt the one-year physical presence period as long as there was no “intent to abandon residence” and the applicant was readmitted or paroled upon return. 8 CFR § 245.2(a)(4)(iii). Factors to consider when determining whether a trip reflects an intent to abandon include: the duration of the trip; the purpose of the trip; the length of the person’s stay in the United States before departure; and the person’s family, employment, and property ties in the United States. See *Matter of Huang*, 19 I&N Dec. 749, 753 (BIA 1988); *Matter of Kane*, 15 I&N Dec. 258, 262–64 (BIA 1975). The one year of physical presence must be accrued prior to the filing for adjustment.

### **What documents should an applicant submit as evidence of physical presence?**

Practitioners report that USCIS frequently issues RFEs requesting additional evidence showing the applicant meets the physical presence requirement. Suggested documents to evidence physical presence include, but are not limited to:

- School records
- Lease agreements
- Utility bills
- Employment records
- Medical records
- Birth certificates of children born in the United States
- Financial records, such as bank statements, deposit slips, receipts

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<sup>4</sup> USCIS, Green Card for a Cuban Native or Citizen, [uscis.gov/green-card/green-card-eligibility/green-card-for-a-cuban-native-or-citizen](https://uscis.gov/green-card/green-card-eligibility/green-card-for-a-cuban-native-or-citizen) (last reviewed/updated Jun. 16, 2020).

<sup>5</sup> AFM § 23.11(b)(3). In May 2020, USCIS retired the AFM and has been in the process of updating and incorporating the former AFM content into its Policy Manual. Where the USCIS Policy Manual has not yet moved AFM content and continues to refer to the corresponding AFM section, we cite to that section.

- Library records, and
- Dated photographs.

### What bars to adjustment or grounds of inadmissibility apply under the CAA?

The usual bars to adjustment under INA § 245(c) (working without authorization, violating the terms of admission, or overstaying the time permitted) do not apply to Cuban adjustment, though J-1 or J-2 nonimmigrant exchange visitors must either comply with the foreign residence requirement or have been granted or recommended by the Department of State for a waiver of the foreign residence requirement. Applicants for Cuban adjustment are subject to the inadmissibility grounds at INA § 212(a). However, some grounds do not apply: public charge at 212(a)(4); labor certification at 212(a)(5); arrival at a place other than a port of entry at 212(a)(6)(A); and documentation at 212(a)(7). If an applicant was convicted of a crime in Cuba, USCIS will require a sworn statement from the applicant addressing the details of the arrest, the charges, the outcome of any proceedings, and whether the applicant was imprisoned. See AFM § 23.11.

Of particular concern would be where applicants may have been involved with or associated with the Communist party. Note that INA § 212(a)(3)(D) includes an exception if the membership is or was involuntary, solely when the applicant was under 16 years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living. Past membership that was terminated at least five years before the date of application for admission is also excepted. The Attorney General may waive inadmissibility for close relatives of USC and LPRs for humanitarian purposes, to assure family unity or when it is otherwise in the public interest. When USCIS determines that an applicant may be inadmissible under 212(a)(3)(D)(i) as a member of the Communist party, the adjudicator will require a detailed sworn statement, as described in the AFM § 23.11(k).

A Cuban adjustment applicant who is inadmissible based on health-related grounds may seek a waiver under INA § 212(g); for criminal conduct, a waiver under 212(h); or for misrepresentation, a waiver under 212(i). The waiver application is filed on Form I-601, not on Form I-602, which is used for asylees and refugees. As specified under 212(h), with some exceptions, Cuban applicants seeking a waiver of criminal grounds must show extreme hardship to a USC or LPR spouse, parent, son or daughter.<sup>6</sup> Applicants seeking a waiver for the misrepresentation ground under 212(i) must show extreme hardship to a USC or LPR spouse or parent. Applicants seeking a waiver of the health grounds under 212(g) must show they are the spouse, parent, unmarried son or daughter, fiancé(e), fiancé(e)'s child, or lawfully adopted unmarried child of a USC or LPR. They would not need to show extreme hardship.

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<sup>6</sup> Where an incident occurred at least 15 years ago or involves only inadmissibility under the prostitution ground, applicants may qualify for a waiver that does not require the showing of extreme hardship to a family member under INA § 212(h)(1)(A). These applicants need to show they are rehabilitated, that their admission is not contrary to national interests, and that admission should be granted as a matter of discretion. VAWA self-petitioners may apply for a waiver of criminal grounds under INA § 212(h)(1)(C) if they can show the waiver should be granted as a matter of discretion.

## Can the spouse or child of a qualifying Cuban also adjust status?

A non-Cuban spouse or child of a qualifying Cuban may also adjust status under the CAA, regardless of his or her nationality or place of birth, as long as the spouse or child meets the remaining eligibility criteria under the CAA (inspection and admission or parole into the United States, one year of physical presence, and admissibility). *Matter of Coto*, 13 I&N Dec. 740 (BIA 1971). The applicant must also reside with the qualifying Cuban. *Matter of Bellido*, 12 I&N Dec. 369 (R.C. 1967). Practitioners report that USCIS exercises heightened scrutiny of the bona fides of the marital relationship where spouses met and married within the United States rather than marrying prior to arriving in the United States. Spouses and children who have been the victims of domestic violence are exempted from the residency requirement, as explained below. Moreover, a qualifying marriage can occur at any time – before or after the qualifying Cuban adjusts. *Matter of Milian*, 13 I&N Dec. 480 (A.R.C. 1970). However, the derivative cannot adjust before the qualifying Cuban or where the principal applicant has already naturalized.<sup>7</sup>

## Are derivative children aging out of CAA eligibility protected by the Child Status Protection Act (CSPA)?

Derivative child beneficiaries under the CAA who apply prior to their 21<sup>st</sup> birthday but who age out prior to adjusting status are not protected by the CSPA. As outlined in the USCIS Policy Manual, the CSPA applies only to applicants specified in the statute, which does not include Cubans adjusting under the CAA. Children who are likely to age out prior to adjusting status should explore seeking Cuban citizenship through their parents and then applying as principal applicants for adjustment under the CAA.

## Do spouses and children who have been subjected to domestic violence qualify for any exceptions to the CAA requirements?

Pursuant to amendments to the CAA under VAWA 2000 and 2005, an abused spouse or child of a qualifying Cuban may still adjust under the CAA even if: (1) he or she does not currently reside with the qualifying Cuban; (2) the marital relationship was legally terminated due to abuse within the last two years; or (3) the qualifying Cuban principal died within the last two years and the spouses resided together at some point during the relationship. USCIS released a policy memo on July 29, 2016 that provided guidance on the implementation of these provisions. The spouse or child must demonstrate his or her relationship to the qualifying Cuban and that the qualifying Cuban subjected him or her to battery or extreme cruelty during the relationship. USCIS should accept any credible evidence documenting the relationship and the abuse. Victims of battery or extreme cruelty otherwise meeting the CAA requirements need not submit an I-360 VAWA self-petition along with the I-485. The Vermont Service Center (VSC) VAWA Unit adjudicates these CAA adjustment applications,

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<sup>7</sup> This is based on the CAA's text regarding derivatives: "The provisions of this Act shall be applicable to the spouse and child of any alien described in this subsection, regardless of their citizenship and place of birth, who are residing with such alien in the United States." The USCIS website also says that a derivative can apply their I-485 at various times, including "[a]fter USCIS approves [the] Cuban spouse or parent's Form I-485, as long as [the] spouse or parent is still a lawful permanent resident." See footnote 4.

although the VSC may refer the case to a field office should an interview be necessary. The VAWA confidentiality protections at 8 USC § 1367 apply to VAWA CAA applicants, as they do in all VAWA cases.

### **What is the effective date of admission of a Cuban whose adjustment application is approved under the CAA?**

Cubans benefit from rollback provisions that backdate their admission to permanent residence. Typically, when one adjusts under INA § 245, the date of admission for lawful permanent residence is the date on which the adjustment is approved. Under the CAA, the admission date for permanent residence is rolled back 30 months before the filing of the application or to the date of the individual's last arrival in the United States, whichever date is more recent. For example, consider Jose, who was admitted to the United States on January 1, 2016. He applied for adjustment under the CAA on January 1, 2017, and the application was granted on January 1, 2019. Thirty months before January 1, 2017 is July 1, 2014. But Jose's adjustment date will be his date of admission rather than 30 months before the date of his application, because January 1, 2016 is later than July 1, 2014. The non-Cuban spouse and children of a qualifying Cuban applicant are entitled to the same rollback provisions as the principal, even if that means the individual becomes an LPR before the date on which the individual became the Cuban applicant's spouse or child. See *Silva-Hernandez v USCIS*, 701 F.3d 356 (11th Cir. 2012).

### **Must applicants for adjustment under the CAA meet the definition of "refugee"?**

Those who have adjusted under the CAA, unlike asylees, can return to Cuba without jeopardizing their status. Under INA § 209(b), asylees adjusting status must continue to be considered a refugee within the definition of 101(a)(42)(A). If an asylee travels to his or her home country, the person runs the risk that the asylum status could be terminated, because country conditions may have changed or the claim to asylum may be viewed to be fraudulent. Those who adjust pursuant to the CAA are not required to meet the definition of a refugee. A person can qualify for Cuban adjustment even if he or she has no fear of persecution in Cuba. Therefore, travel to Cuba does not necessarily affect eligibility for LPR status or naturalization if the applicant otherwise meets physical presence and continuous residence requirements.

### **What qualifies as a "parole" for the purposes of the CAA?**

Pursuant to the previous "wet-foot/dry-foot" policy, Cubans were eligible to adjust under the CAA provided they were physically in the United States and presented themselves to officials. Immigration officers were instructed to grant Cubans parole status, despite their having entered the United States at other than a designated port of entry. Additionally, Cubans detained at the border were not subjected to expedited removal but rather were paroled under



INA § 212(d)(5) to seek adjustment under the CAA. Cubans interdicted at sea were returned to Cuba and not eligible for adjustment under the CAA.

Although former President Obama officially ended this policy in January 2017 as part of a process to normalize relations with Cuba, many officers have continued to parole Cubans at the border, with or without issuing them documentation reflecting INA § 212(d)(5) parole. Individuals have frequently been released pending removal proceedings initiated against them under INA § 240. In a recent decision, an immigration judge in Miami found that, pursuant to a Supreme Court case, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), the only authority the Service has to release individuals seeking admission under INA § 235 is parole under INA § 212(d)(5). This is notwithstanding current agency policies or the classification designated on documentation provided to the Cuban upon release. The decision has been certified to the BIA for review, but currently it has no binding effect on immigration courts or USCIS. Practitioners, however, might cite to the decision and apply its reasoning when arguing that their clients, who entered EWI after January 2017 and were subsequently detained and released, should be deemed “paroled” for the purposes of the CAA. As of the date of this update, it is unclear how USCIS will adjudicate this issue.<sup>8</sup>

Recently, many Cuban applicants apprehended at the United States-Mexico border have been given a form titled “Interim Notice Authorizing Parole” upon their release into the United States. This document is not listed on the USCIS website and the agency has had varying approaches to the notice when adjudicating work permit applications. However, USCIS should accept the form as proof of parole for the purposes of adjustment, as the form states: “This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, Arrival-Departure Record, see 8 C.F.R. § 235.1(h)(2).”<sup>9</sup>

### Can Cubans in removal proceedings apply for adjustment under the CAA?

Yes, Cubans placed in removal proceedings can apply for adjustment under the CAA. They simply must determine which agency has jurisdiction over their case. Under 8 CFR § 245.2(a)(1), USCIS has jurisdiction over AOS cases unless EOIR does under 8 CFR § 1245.2(a)(1), EOIR has jurisdiction over adjustment cases for applicants in removal proceedings *unless* they are charged as

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<sup>8</sup> In addition, a release properly classified as an INA § 236 “conditional parole” by ICE does not constitute a parole for the purposes of adjustment. See *Castillo-Padilla*, 25 I&N Dec. 257 (BIA 2010). Similarly, because there are specific provisions for release under INA § 241 and 8 CFR §§ 241.4, 241.5, 241.13, and 241.14 that cover release under Orders of Supervision following final removal orders, such releases are not INA § 212(d)(5) parole. Finally, because there is a specific provision for the apprehension and release of unaccompanied minors from non-contiguous countries under 8 USC §§ 1232(a)(4) and (b)(3), any argument that such releases are INA § 212(d)(5) paroles are much harder to make.

<sup>9</sup> There may be some circumstances in which an applicant for CAA was allowed to enter on a false document. If that false document was a nonimmigrant visa, then that qualifies as an admission. The applicant would have to show proof of that admission and qualify for a fraud waiver. If, however, they enter on an LPR card or U.S. citizen birth certificate, they may not be considered to have been “admitted.” Practitioners should review the USCIS Policy Manual at Vol. 7, Part B, Ch. 2, § A.2, [uscis.gov/policy-manual/volume-7-part-b-chapter-2](https://uscis.gov/policy-manual/volume-7-part-b-chapter-2) (Current as of Nov. 12, 2021).

“arriving aliens,” in which case USCIS has jurisdiction in most circumstances. Therefore, for CAA applicants in removal proceedings who are charged as “arriving aliens,” practitioners can seek adjustment with USCIS. If an applicant is charged as having entered without inspection, they must seek adjustment before the immigration judge, unless the judge terminates the case based on a motion to terminate or a joint motion with DHS to dismiss. If the case is terminated, applicants may then proceed with USCIS because they are no longer in removal proceedings.

### **Can Cubans who were part of the “Migrant Protection Protocols” (MPP) qualify for CAA?**

Under the Trump administration’s MPP program, also referred to as the “Remain in Mexico” program, individuals arriving at the southern border who requested asylum were issued Notices to Appear and returned to Mexico with instructions to return to a specific port of entry at a time and date for their hearing.<sup>10</sup> The Biden administration then terminated the MPP program and began paroling in individuals subject to the program under a phased approach, in cooperation with the United Nations High Commissioner for Refugees.

Although the current administration has been ordered to stop implementing its termination of the MPP program, many Cubans subject to the MPP in the last few years were paroled in during the phased approach in early to mid-2021. As long as these individuals can provide proof of their parole to the adjudicator, they are eligible to apply for adjustment under CAA once they meet all the requirements, including having one year of physical presence in the United States.<sup>11</sup>

### **Can an individual who has been paroled apply for employment authorization while accruing one year of physical presence prior to applying for adjustment?**

If an individual can prove that he or she was paroled by CBP or DHS under INA § 212(d)(5), the person qualifies to apply for an employment authorization document pursuant to the regulations at 8 CFR § 274a.12(c)(11).<sup>12</sup> Applicants should submit Form I-765, Application for Employment Authorization, and indicate category (c)(11) as the appropriate category on the form. They should also submit evidence of their parole, a copy of government-issued identification or a birth certificate with a photo ID, two passport-style photographs, and the filing fee or Form I-912, Request for Fee Waiver. As reflected in the USCIS Policy Manual, a grant of work authorization based on parole is discretionary, with USCIS considering the totality of the circumstances on a case-by-case basis. In

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<sup>10</sup> Migrant Protection Protocols, [dhs.gov/news/2019/01/24/migrant-protection-protocols](https://dhs.gov/news/2019/01/24/migrant-protection-protocols) (archived content, Jan. 24, 2019).

<sup>11</sup> Many practitioners note that there is some confusion in the field as to whether physical presence can be counted from the applicant’s initial placement in MPP rather than the date of their parole. Because an individual’s physical presence is primarily outside of the United States during MPP until he or she is paroled into the United States, it is unlikely that USCIS will count that period towards physical presence.

<sup>12</sup> Some practitioners note that an “Interim Notice Authorizing Parole” states that the parole “is not valid for work authorization” and question whether their clients can apply for an EAD. The FAQ’s author interprets this statement to mean that parolees do not have employment authorization incident to status such that they can present their parole notice to an employer as proof of their ability to work. Instead, parolees need to file an application for their work permit pursuant to 8 CFR § 247a.12(c)(11).



addition, as of today, applications for EADs are taking many months to adjudicate. Applicants, therefore, may not receive their EAD prior to the expiration of their parole. USCIS has issued RFEs for re-parole where expiration of the one-year parole is imminent.

Practitioners should also keep in mind that many applicants for adjustment under the CAA were apprehended at the border and released on parole following credible fear interviews (CFI) so that they may pursue asylum protection as a part of INA § 240 removal proceedings. Under recent changes to the regulations at 8 CFR § 274a.12(c)(11), individuals who were paroled following CFIs do not qualify for employment authorization and instead should seek (c)(8) employment authorization after their asylum application has been pending for a certain duration of time. It may be difficult for practitioners to ascertain whether their clients underwent a CFI: their clients may not remember or understand what happened during their detention, and CBP and USCIS FOIA requests can take a long time to process. Given the timing of this waiting period and the ability to apply for a (c)(9) employment authorization document based on the pending adjustment application, it may be more practical for applicants to wait until they qualify for adjustment to simultaneously apply for their work permit.

### **What is the Cuban Family Reunification Parole Program (CFRPP) and how can it help a Cuban obtain adjustment under the CAA?**

Under the CFRPP, beneficiaries of approved family petitions in the preference categories can be paroled into the United States while they wait for their priority dates to become current. After they have been present in the United States for at least one year, CFRPP beneficiaries may apply for work authorization while they wait to apply for adjustment under the CAA. To be eligible to apply for parole for relatives in Cuba under the CFRP program, the petitioner must: (1) be a U.S. citizen or LPR; (2) have an approved Form I-130 for the Cuban family member; (3) be waiting for an immigrant visa to become available for the relative; and (4) have an invitation from the Department of State's National Visa Center to participate in the CFRP Program. The principal beneficiary must be a Cuban national residing in Cuba, pass a medical examination, be admissible to the United States, and warrant a favorable exercise of discretion. While the program is technically still in effect, the U.S. embassy in Havana has suspended all CFRP processing in Havana due to withdrawal of U.S. government personnel and the closing of the USCIS field office in Havana. USCIS has not issued invitations for program participation since September 2016. However, the website for the U.S. embassy in Havana indicates that those who have received invitations previously should still be eligible to process through the U.S. embassy in Georgetown, Guyana.

### **Can Cuban entrants qualify for benefits as they await their eligibility for adjustment?**

According to the Office of Refugee Resettlement (ORR), Cuban and Haitian entrants are eligible to apply for certain cash assistance, medical assistance, employment preparation, job placement, English language training, and other services offered through that agency. ORR indicates that Cuban and Haitian entrants are eligible if they: 1) were granted parole as a Cuban/Haitian Entrant, 2) are

in removal proceedings, or 3) have an application for asylum pending. See “Benefits for Cuban/Haitian Entrants” at the ORR website for more information.<sup>13</sup>

### **How has the normalizing of relations with Cuba affected the eligibility of individuals for adjustment under the CAA?**

While some normalization of the relationship between the governments of the United States and Cuba had occurred during the Obama administration, Congress conditioned the CAA’s repeal only upon a determination by the U.S. president that a “democratically elected government in Cuba [be] in power.” Meanwhile, Cuba’s government remains controlled by the Cuban Communist Party, and all other political parties are illegal. Therefore, the CAA remains in effect, and applicants who satisfy its eligibility requirements may apply. Moreover, although the Obama administration officially ended the “wet-foot/dry-foot” policy, many Cubans continue to be paroled into the country by CBP, even after entering without inspection.

### **What if my application is denied? Can I appeal the decision?**

Like other adjustment applicants, applicants under the CAA cannot appeal a denial to the Administrative Appeals Office or the Board of Immigration Appeals. However, the applicant has the right to renew the application before an immigration judge if placed into removal proceedings. 8 CFR § 1245.2(a)(5)(iii).

### **Legal Sources for Cuban Adjustment Act**

[Cuban Adjustment Act of 1966 \(CAA\), Pub. L. 89-732](#)

[USCIS Adjudicator’s Field Manual § 23.11](#)

[USCIS, Green Card for a Cuban Native or Citizen](#)

[Policy Alert, USCIS, AFM PA-2019-04, Updated Guidance for Adjudication of Cuban Adjustment Act Cases, Aug. 13, 2019](#)

[Policy Memo, USCIS, PM-602-0110, VAWA Amendments to the Cuban Adjustment Act: Continued Eligibility for Abused Spouses and Children, Jul. 29, 2015](#)

[DOS, U.S. Embassy in Cuba, Cuban Parole Programs](#)

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<sup>13</sup> Office of Refugee Resettlement, Benefits for Cuban/Haitian Entrants, [acf.hhs.gov/sites/default/files/documents/orr/Benefits-for-Cuban-Haitian-Entrants.pdf](https://www.acf.hhs.gov/sites/default/files/documents/orr/Benefits-for-Cuban-Haitian-Entrants.pdf) (updated Sep. 2021).