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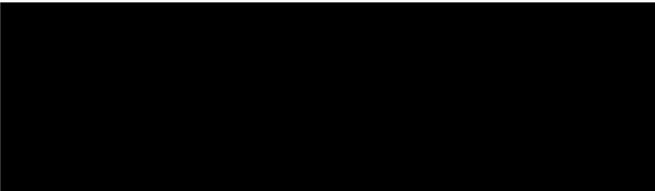


FILE: [REDACTED] Office: WASHINGTON DISTRICT Date: **SEP 10 2007**

IN RE: Petitioner: [REDACTED]

PETITION: Application for Status as Permanent Resident Pursuant to Section 13 of the Act of September 11, 1957

ON BEHALF OF PETITIONER:



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 cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Washington, D.C., and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Panama who is seeking to adjust her status to that of a lawful permanent resident as the child of the principal applicant, her father, under section 13 of the Immigration and Nationality Act (the Act) of 1957, Pub. L. No. 85-316, 71 Stat. 642, as modified, 95 Stat. 1611.

The district director denied the application for adjustment of status on November 19, 1999, after determining that the principal applicant, had failed to demonstrate he was unable to return to Panama or that his adjustment would serve U.S. interests.

*Matter of Aiyer*, 18 I&N Dec. 98 (Reg. Comm. 1981), held that since the dependent of a principal alien derives benefits from the principal alien, an applicant for adjustment of status under section 13 of the 1957 Act is ineligible for such benefits if he/she is the dependent of a principal alien who is found ineligible for adjustment. Therefore, the district director appropriately found the applicant to be ineligible for the benefits of section 13 since her father had been found ineligible for these benefits.

On appeal, the AAO has reviewed all the material contained in the principal applicant's record. Contrary to the district director, it finds the principal applicant to have demonstrated eligibility for adjustment to lawful permanent resident status under section 13 of the 1957 Act. However, the applicant may not benefit from her father's adjustment as she is no longer a child, as defined by section 101(b)(1) of the Act. Section 101(b)(1) of the Act requires, in part, that a child be an unmarried person less than 21 years of age. The applicant turned 21 years of age on May 24, 2000. She is, therefore, no longer a dependent of her father and eligible to derive lawful permanent residence through him. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.