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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

Office: WASHINGTON DISTRICT

Date:

FEB 01 2008

IN RE:

Petitioner:



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

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.

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 as moot.

The applicant is a native and citizen of The Philippines who is seeking to adjust his status to that of a lawful permanent resident 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, as an alien who performed diplomatic or semi-diplomatic duties under section 101(a)(15)(A)(i) of the Act.

The AAO notes that the record indicates that the applicant is represented by counsel. However, the Form G-28, Notice of Entry of Appearance as Attorney or Representative, submitted by counsel has not been signed by the applicant. Accordingly, the applicant will be considered as self-represented.

The district director initially denied the application for adjustment of status on June 16, 1999, after determining that the applicant had failed to demonstrate he was unable to return to The Philippines and that his adjustment would serve U.S. interests. On appeal, counsel contends that the district director erred in concluding that the applicant had not established that he would be at risk if he returned to The Philippines. Counsel further asserts that the following equities should be taken into consideration with regard to the applicant's adjustment application – his family's long-term residence in the United States, his son's lack of familiarity with the education system in The Philippines and his daughter's U.S. birth.

The AAO notes that, on August 14, 2007, Citizenship and Immigration Services (CIS) issued a second decision in relation to the Form I-485, Application for Permanent Residence, filed by the applicant under section 13 of the 1957 Act. Indicating that the applicant had acquired lawful permanent resident status based on another Form I-485, the decision stated that the instant application was being denied for administrative purposes and that the denial would not affect the applicant's lawful permanent resident status.

A review of the record finds that on June 29, 2004, the applicant filed a second Form I-485 based on CIS' approval of a Form I-130, Petition for Alien Relative, filed on his behalf by his U.S. citizen daughter. This second Form I-485 was approved by CIS on December 6, 2005. Accordingly, the applicant has already been awarded the benefit sought and further pursuit of the matter at hand is moot. The appeal will be dismissed.

ORDER: The appeal is dismissed as moot, based on the applicant's adjustment to lawful permanent resident status on December 6, 2005.