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U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: WASHINGTON DISTRICT Date: JUN 20 2008

IN RE: Applicant: [Redacted]

APPLICATION: Application for Status as Permanent Resident Pursuant to Section 13 of the Act of September 11, 1957, 8 U.S.C. § 1255b.

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision 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 that reads "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Field Office 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 Lebanon accredited by the United Arab Emirates who is seeking to adjust her status to that of lawful permanent resident under section 13 of the Act of 1957 ("Section 13"), Pub. L. No. 85-316, 71 Stat. 642, as modified, 95 Stat. 1611, 8 U.S.C. § 1255b, as an alien who performed diplomatic or semi-diplomatic duties under section 101(a)(15)(A)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(A)(ii).

The district director denied the application for adjustment of status after determining that the applicant had failed to demonstrate that compelling reasons prevent her return to Lebanon. *Decision of Field Office Director*, dated October 25, 2007.

On appeal, counsel states that an assault on the applicant while she was in Lebanon, along with attacks made on the applicant's home there and country conditions indicating continuing political and religious strife are indicators that the applicant has compelling reasons preventing her from returning to Lebanon. *Appeal Brief* at 1-3. Counsel also asserts that country conditions reports for the United Arab Emirates demonstrate that that country had a poor human rights record. *Id.* At 5-6. Counsel contends that the applicant's work as an Arabic translator makes her adjustment of status in the national interest. *Id.* at 4-5.

Section 13 of the Act of September 11, 1957, as amended on December 29, 1981, by Pub. L. 97-116, 95 Stat. 1161, provides, in pertinent part:

(a) Any alien admitted to the United States as a nonimmigrant under the provisions of either section 101(a)(15)(A)(i) or (ii) or 101(a)(15)(G)(i) or (ii) of the Act, who has failed to maintain a status under any of those provisions, may apply to the Attorney General for adjustment of his status to that of an alien lawfully admitted for permanent residence.

(b) If, after consultation with the Secretary of State, it shall appear to the satisfaction of the Attorney General that the alien has shown compelling reasons demonstrating both that the alien is unable to return to the country represented by the government which accredited the alien or the member of the alien's immediate family and that adjustment of the alien's status to that of an alien lawfully admitted for permanent residence would be in the national interest, that the alien is a person of good moral character, that he is admissible for permanent residence under the Immigration and Nationality Act, and that such action would not be contrary to the national welfare, safety, or security, the Attorney General, in his discretion, may record the alien's lawful admission for permanent residence as of the date [on which] the order of the Attorney General approving the application for adjustment of status is made.

8 U.S.C. § 1255(b).

Pursuant to 8 C.F.R. § 245.3, eligibility for adjustment of status under Section 13 is limited to aliens who were admitted into the United States under section 101, paragraphs (a)(15)(A)(i), (a)(15)(A)(ii), (a)(15)(G)(i), or (a)(15)(G)(ii) of the Act who performed diplomatic or semi-diplomatic duties and to their immediate families, and

who establish that there are compelling reasons why the applicant or the member of the applicant's immediate family is unable to return to the country represented by the government that accredited the applicant, and that adjustment of the applicant's status to that of an alien lawfully admitted to permanent residence would be in the national interest. Aliens whose duties were of a custodial, clerical, or menial nature, and members of their immediate families, are not eligible for benefits under Section 13.

The legislative history for Section 13 reveals that the provision was intended to provide adjustment of status for a "limited class of . . . worthy persons . . . left homeless and stateless" as a consequence of "Communist and other uprisings, aggression, or invasion" that have "in some cases . . . wiped out" their governments. Statement of Senator John F. Kennedy, *Analysis of Bill to Amend the Immigration and Nationality Act*, 85th Cong., 103 Cong. Rec. 14660 (August 14, 1957). The phrase "compelling reasons" was added to Section 13 in 1981 after Congress "considered 74 such cases and rejected all but 4 of them for failure to satisfy the criteria clearly established by the legislative history of the 1957 law." H. R. Rep. 97-264 at 33 (October 2, 1981).

The AAO notes that Section 13 requires only that an applicant demonstrate that there are "compelling reasons demonstrating . . . that the alien is unable to return to the *country represented by the government which accredited the alien* . . ." (emphasis added). Though the applicant is a native and citizen of Lebanon, the record shows that she was accredited by the government of the United Arab Emirates. The applicant was last admitted in A-2 status on December 4, 1998 and served thereafter as a translator at the Embassy of the United Arab Emirates in Washington, D.C. until her employment was terminated on or about April 30, 1999. See *Sworn Statement of* [REDACTED] dated August 29, 2001; *Letter from the Embassy of United Arab Emirates in Washington D.C.*, dated June 14, 2000. Consequently, the field office director's decision to deny the applicant's adjustment application on the basis that she failed to demonstrate compelling reasons preventing her return only to Lebanon was erroneous and is withdrawn.

However, the applicant has not shown that she performed diplomatic or semi-diplomatic duties as required by 8 C.F.R. § 245.3. As stated previously, the applicant is not a citizen of the United Arab Emirates, but was hired as a contract employee to work as a translator at the Embassy of the United Arab Emirates in Washington, D.C. According to the Embassy, her duties included:

Preparation of a daily media reports from selected newspapers and magazines published in the United States on articles pertaining to the United Arab Emirates in particular and the Gulf region and the Middle East in general. [REDACTED] was also in charge of translating various official documents, which includes: political, economic, legal and medical documents from English to Arabic and vice versa.

*Letter from the Embassy of United Arab Emirates in Washington D.C.*, dated June 14, 2000. The applicant has asserted that her duties were diplomatic because in addition to performing the normal duties of a translator, she also wrote daily, weekly and monthly reports summarizing and analyzing the news for consumption by high government officials at the Embassy and in the United Arab Emirates. *Notarized Statement of Applicant*, dated August 29, 2001.

The AAO does not concur. The essential role of a diplomat is the representation of a country in its relations with other countries. See *American Heritage Dictionary of the English Language, 4th Edition, 2000* (Diplomat: One,

such as an ambassador, who has been appointed to represent a government in its relations with other governments); *Black's Law Dictionary* (Diplomacy: The art and practice of conducting negotiations between national governments). The applicant was a non-citizen contract employee with apparently no representative duties or authority on behalf of the government that accredited her. The applicant's assertion in her statement of August 29, 2001 that she was an advisor providing "political and economic analysis" to her superiors is not substantiated by any other evidence. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). The record demonstrates that applicant summarized and translated news articles and other media information, a task that required the application of analytical skills, but it does not show that she had any formal advisory or decision-making role at the Embassy, or that she represented the United Arab Emirates before the media or in any other capacity. The AAO acknowledges that the applicant provided more than mere translation services during her employment at the Embassy of the United Arab Emirates, but the applicant has failed to demonstrate that, as a non-citizen contract employee, she was entrusted with duties of a diplomatic or semi-diplomatic nature.

For the reasons discussed above, the AAO finds that the applicant is not eligible for adjustment under Section 13. She has failed to establish that she performed diplomatic or semi-diplomatic duties. Pursuant to section 291 of the Act, 8 U.S.C. 1361, the burden of proof is upon the applicant to establish that she is eligible for adjustment of status. The applicant has failed to meet that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.