U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

U.S. Citizenship and Immigration Services

A3

[redacted]

FILE: [redacted] Office: WASHINGTON DISTRICT Date: OCT 0 3 2008

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:

[redacted]

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 District Director, Washington, D.C. denied the Form I-485, Application for Permanent Residence. The matter is before the AAO on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Pakistan 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 the derivative family member of an alien who performed diplomatic or semi-diplomatic duties under section 101(a)(15)(A)(i) of the Act.

The district director denied the application due to the fact that the application of the principal alien on which the present application is based was denied. *Decision of the District Director*, dated April 5, 2008.

The principal alien and the applicant each filed a Form I-290B appeal from the district director's denials. The appeal of the principal alien was dismissed by the AAO. As the principal alien's application was denied, the applications of his derivative family members must also be denied. Accordingly, the present application may not be approved and the appeal will be dismissed.

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.