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U.S. Department of Homeland Security
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Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: WASHINGTON DISTRICT Date: DEC 19 2008

IN RE: Applicant: [REDACTED]

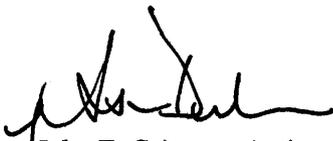
APPLICATION: Application for Status as Permanent Resident Pursuant to Section 13 of the Act of September 11, 1957, 8 U.S.C. § 1255b.

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

Attached is a **request for evidence** relating to the above proceeding. Pursuant to federal regulations at 8 C.F.R. § 103.2(b)(8), you are allowed 12 weeks from the date of this notice to respond to the above address. This same regulatory section states that additional time may not be granted. All evidence submitted in response to a request for evidence must be submitted at one time. The submission of only some of the requested evidence will be considered a request for a decision based on the record. 8 C.F.R. § 103.2(b)(11). Likewise, failure to respond to this notice in the specified time will be considered a request for a decision based on the record.


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The applicant, a native and citizen of Uganda, filed a Form I-485, Application to Register Permanent Residence of Adjust Status seeking to adjust his 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)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(A)(i).

The District Director of the Washington District Office denied the application on April 23, 1999 on the ground that the applicant had failed to establish compelling reasons why she was unable to return to Uganda or to demonstrate that her adjustment would be in the national interest of the United States. The applicant appealed the decision to the Administrative Appeals Office (AAO). The appeal was forwarded to the AAO on May 12, 2008.

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).

Due to the passage of time since the adjudication of the application, the AAO requests that the applicant submit additional evidence to demonstrate that at the present time there are compelling reasons preventing her return to Uganda and that her adjustment would be in the national interest of the United States.

The AAO also notes that on the Form I-290B, the applicant's counsel indicated that she would be submitting a separate brief and/or evidence to the AAO within 30 days. To date, this office has no record that any further evidence or brief was ever received with regard to this appeal. Thus, this office asks that a copy of such additional evidence and/or brief be sent to the AAO along with any new evidence submitted in response to this request.


Request for Evidence

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Pursuant to federal regulations at 8 C.F.R. § 103.2(b)(8), the applicant is allowed 12 weeks from the date of this notice to respond to the AAO and additional time may not be granted. All evidence submitted in response to a request for evidence must be submitted at one time. The submission of only some of the requested evidence will be considered a request for a decision based on the record. 8 C.F.R. § 103.2(b)(11). Likewise, failure to respond to this notice in the specified time will be considered a request for a decision based on the record.

After the 12-week period, the AAO will prepare and issue a decision, taking into account all of the evidence of the record, including any additional evidence submitted in response to this notice.