



U.S. Citizenship
and Immigration
Services

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Date: **JUN 29 2012** Office: WASHINGTON DISTRICT

File:

IN RE: Applicant:

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Washington, D.C. The Administrative Appeals Office (AAO) dismissed the subsequently filed appeal. The matter is now before the AAO on a motion to reopen and reconsider. The motion will be dismissed as moot.

The applicant is a native and citizen of Colombia who is seeking to adjust his status to that of lawful permanent resident under section 13 of the Act of 1957 ("Section 13"), Pub. L. No. [REDACTED] 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 field office director denied the application for adjustment of status after determining that the applicant had failed to submit requested evidence in a response to the field office director's request for further evidence (RFE). The field office director found that the application had been abandoned and thus was denied.

On March 12, 2010, the AAO rejected the applicant's appeal, finding that the field office correctly noted that no appeal lies from a denial decision based on abandonment. 8 C.F.R. § 103.2(b)(15).

On motion to reopen counsel asserts that the applicant had provided the evidence requested in the RFE. Counsel states that the delay in submitting the requested information was as a result of a mistake on the part of his office, and was not due to the applicant. Counsel, therefore, requests that the matter be reopened.

United States Citizenship and Immigration Services (USCIS) records show that, subsequent to filing the instant motion to reopen, the applicant's Application to Register Permanent Residence (Form I-485), filed by the applicant on August 30, 2011, in connection with a Petition for Alien Relative (Form I-130) was approved on March 8, 2012 and he acquired Conditional Resident Status as of that date. Because the applicant has an approved Form I-485, further pursuit of the matter at hand is moot.

ORDER: The matter is dismissed as moot.