



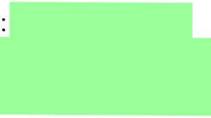
U.S. Citizenship  
and Immigration  
Services

(b)(6)

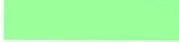


DATE: **AUG 11 2014**

Office: NATIONAL BENEFITS CENTER

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.

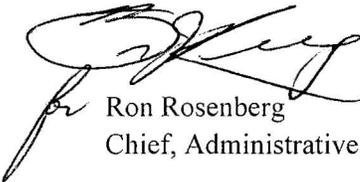
ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,



Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, National Benefits Center. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be dismissed.

The applicant is a citizen of Pakistan who is seeking to adjust her status to that of a lawful permanent resident under section 13 of the Act of 1957, Pub. L. No. 85-316, as the immediate relative of an alien who performed diplomatic or semi-diplomatic duties under section 101(a)(15)(G)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(G)(i). 71 Stat. 642, as modified, 95 Stat. 1611, 8 U.S.C. § 1255b,

The director denied the Form I-485, Application to Register Permanent Residence or Adjust Status, because it was determined that the applicant's father had failed to demonstrate that compelling reasons prevent his return to Pakistan. The director denied the applicant's adjustment application on the basis of her father's ineligibility for benefits under section 13 of the Act. *Decision of the Director*, dated January 27, 2014. The applicant appealed the decision of the director to the AAO. We dismissed the appeal as the applicant's eligibility for adjustment under section 13 of the Act derived from the eligibility of her father, and the applicant had not asserted compelling reasons separate from those claimed by her father.<sup>1</sup> *Decision of the AAO*, dated June 19, 2014.

A motion to reopen must state the new facts to be proved at the reopened proceeding, and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).

On motion, the applicant provides no new facts supported by affidavits or other documentary evidence as required for a motion to reopen. Rather, the applicant submits a statement from her father, who reasserts essentially the same facts previously submitted in support of his application and on appeal.

The regulation at 8 C.F.R. § 103.5(a)(4) states that a motion which does not meet applicable requirements must be dismissed. Therefore, because the instant motion to reopen does not meet the applicable filing requirements, it must be dismissed.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not sustained that burden. Accordingly, the motion will be dismissed, the proceedings will not be reopened, and the previous decisions of the director and the AAO will not be disturbed.

**ORDER:** The motion is dismissed.

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<sup>1</sup> A separate decision will be issued to the applicant's father, who has also filed a motion to reopen from the dismissal of the appeal on June 19, 2014.