



U.S. Citizenship  
and Immigration  
Services

(b)(6)

Date: **SEP 03 2014**

Office: NATIONAL BENEFITS CENTER

File: [REDACTED]

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: 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

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

The applicant is a native and citizen of Cameroon who is seeking to adjust her status to that of a 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 the spouse of 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 director denied the application for adjustment of status after determining that the applicant had failed to demonstrate that compelling reasons prevent her return to Cameroon. The director noted that the Department of State issued its opinion on December 16, 2013, advising that it could not make a favorable recommendation in this case as the applicant had not established that compelling reasons prevent her return to Cameroon. *Decision of National Benefits Director*, dated March 24, 2014.

On appeal, the applicant asserts that she has established compelling reasons that prevent her return to Cameroon. The applicant submits a statement.

As stated in the director’s March 24, 2014 denial, the single issue in this proceeding is whether the applicant has established compelling reasons preventing her return to Cameroon.

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 [Department of Homeland Security] 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 [Department of Homeland Security] 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 [Department of Homeland Security], in its discretion, may record the alien’s lawful admission for permanent residence as of the date [on which] the order of the [Department of Homeland Security] approving the application for adjustment of status is made. 8 U.S.C. § 1255b(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 are 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.

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).

We now turn to a review of the evidence of record, including the information submitted on appeal. In making a determination of statutory eligibility, U.S. Citizenship and Immigration Services (USCIS) is limited to the information contained in the record of proceeding. See 8 C.F.R. § 103.2(b)(16)(ii).

A review of the record establishes the applicant's eligibility for consideration under Section 13 of the 1957 Act. The applicant last entered the United States on November 9, 2011, as an A-1 non-immigrant as the spouse of [REDACTED] who worked as [REDACTED]

[REDACTED] and was employed in a diplomatic or semi-diplomatic position. Her husband's status was terminated in April 2008. The applicant applied for adjustment of status on December 12, 2011. Per the requirements of section 13(a) of the 1957 statute, the applicant was admitted to the United States pursuant to 101(a)(15)(A)(i) of the Act but did not hold diplomatic status at the time she filed this application for adjustment on December 12, 2011.

Upon review of the applicant's sworn statement before a USCIS immigration officer on April 12, 2012, the applicant's December 5, 2011 affidavit and statements submitted with her adjustment application, and her assertions on appeal, as well as the current country conditions in Cameroon, we find that the applicant has not provided compelling reasons related to political changes in Cameroon that render her "stateless or homeless" or at risk of harm following political upheavals in the country represented by the government which accredited her husband. The record does not include evidence showing that the applicant is at greater risk of harm because of her spouse's specific past government employment, political activities or other related reasons, including his employment as a [REDACTED]

The applicant states that her husband was terminated from his [REDACTED] position because he was accused of unpatriotic and unprofessional behavior; that after his termination her husband returned to Cameroon to clear his name but has been unable to do so; and, that in that her husband is considered a traitor she fears that she will be subjected to persecution or physical

harm. She states that she fears for the well-being and future of her children. She asserts that Cameroon is known for punishing people who are considered opposed to the ruling party and government and where people are detained without a chance to defend themselves.

Though disruption of the applicant's life and that of her family are unfortunate, there are no humanitarian exceptions to the requirement that the applicant demonstrate that compelling reasons based on her specific past government experience prevents her return to Cameroon.

There is no indication in the documentation provided that the applicant would be singled out or targeted by the government of Cameroon. We note that although the applicant's feeling of fear may be sincere, it is speculative and no evidence has been presented that the applicant or her children would be targeted by the government of Cameroon.

As set forth in the director's decision, the legislative history of Section 13 shows that Congress intended that "compelling reasons" relate to political changes that render diplomats and foreign representatives "stateless or homeless" or at risk of harm following political upheavals in the country represented by the government which accredited them. Section 13 requires that an applicant for adjustment of status under this provision have "compelling reasons demonstrating that the alien is *unable* to return to the country represented by the government which accredited the applicant. (Emphasis added). The term "compelling" must be read in conjunction with the term "unable" to correctly interpret the meaning of the words in context. Thus, reasons that are compelling are those that render the applicant unable to return, rather than those that merely make return undesirable or not preferred from the applicant's perspective. Desiring to establish a life in the United States is not a compelling reason under Section 13. Similarly, the general hardship of relocating to another country is not a compelling reason under Section 13.

The documentation provided does not present compelling reasons that prevent the applicant from returning to Cameroon. Since 1982 the Paul Biya regime has ruled Cameroon and has not changed since the applicant and her children came to the United States as dependents of her husband when he worked as [REDACTED]. See, <http://www.bbc.com/news/world-africa-13146032>. As discussed above, there is no evidence of record to establish that the applicant would be at risk in Cameroon of being "stateless or homeless" or at risk of harm following political upheavals in the country represented by the government which accredited them considering the regime the applicant fears is the same government that has long been in power.

The applicant has failed to meet her burden of proof in this regard. As the applicant has not established that there are compelling reasons that prevent her return to Cameroon, the question of whether adjustment of status would be in the national interest need not be addressed.

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 there are compelling reasons preventing her return to Cameroon. 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.

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*NON-PRECEDENT DECISION*

Page 5

**ORDER:** The appeal is dismissed. The application remains denied.