

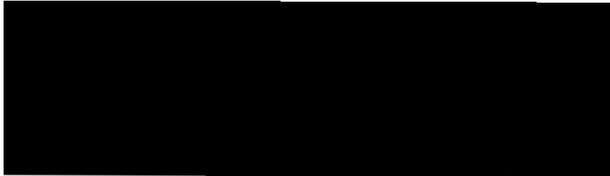
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U.S. Citizenship
and Immigration
Services



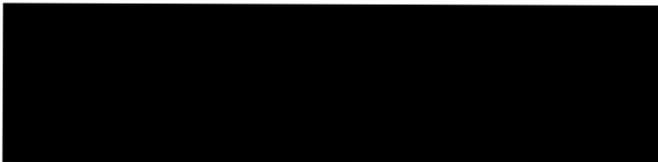
A3

FILE: [REDACTED] Office: WASHINGTON DISTRICT Date: **FEB 24 2009**

IN RE: [REDACTED]

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

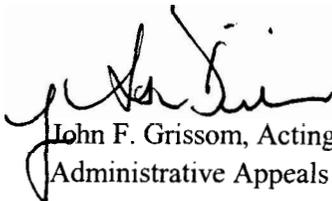
ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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 \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Washington, D.C. and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Pakistan 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. 85-316, 71 Stat. 642, as modified, 95 Stat. 1611, 8 U.S.C. § 1255b, as the immediate relative 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 field office director denied the application for adjustment of status of the applicant's father after determining that the applicant's father had failed to demonstrate that compelling reasons prevent his return to Pakistan. The field office director denied the applicant's adjustment application on the basis of his father's ineligibility for benefits under Section 13. Counsel of record timely submitted a Form I-290B, Notice of Appeal or Motion, indicating that her brief and/or additional evidence would be submitted to the AAO in 30 days. On January 22, 2009, the AAO requested that counsel of record indicate whether she had submitted the referenced brief or evidence. To date, neither the applicant nor counsel has responded to the AAO's facsimile. Thus, the record is considered complete.

In a separate decision, the AAO summarily dismissed the appeal of the applicant's father on the grounds that he failed to identify specifically an erroneous conclusion of law or a statement of fact in his proceeding, mandating the summarily dismissal of his appeal. As the applicant's eligibility for adjustment under Section 13 derives from the eligibility of his father, and the applicant has not asserted compelling reasons separate from those claimed by his father, the applicant is also ineligible for adjustment of status.

For the reasons discussed above, the AAO finds that the applicant is not eligible for adjustment under Section 13. Pursuant to section 291 of the Act, 8 U.S.C. 1361, the burden of proof is upon the applicant to establish that he is eligible for adjustment of status. The applicant has failed to meet that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is summarily dismissed.