



U.S. Citizenship
and Immigration
Services

A3

[REDACTED]

DATE: Office: NATIONAL BENEFITS CENTER FILE: [REDACTED]

DEC 04 2012

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:

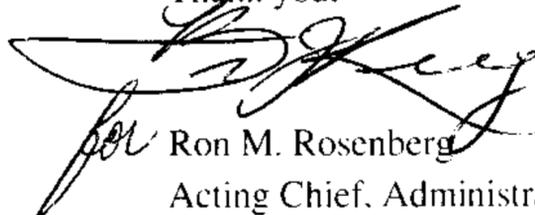
[REDACTED]

INSTRUCTIONS:

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.


for Ron M. Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, National Benefits Center. 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 his 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 immediate relative of 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 director denied the application for adjustment of status of the applicant's father after *determining that the applicant's father had failed to establish that (1) compelling reasons prevent his return to Cameroon; and (2) that his adjustment is in the national interest of the United States.* The director also determined that the applicant's father was maintaining diplomatic status at the time he filed for adjustment under Section 13. The director denied the applicant's adjustment application on the basis of his father's ineligibility for benefits under Section 13. Counsel has appealed both decisions.

In a separate decision, the AAO dismissed the appeal of the applicant's father on the ground that the applicant's father was in legal diplomatic status at the time he filed for adjustment of status and that he was not eligible to apply for adjustment of status under section 101(a)(15)(A)(i) of the Act. 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 dismissed.