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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
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U.S. Citizenship  
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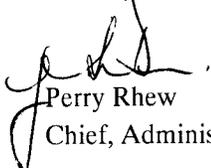
[Redacted]

DATE: Office: WASHINGTON DISTRICT OFFICE File: [Redacted]  
IN RE: **FEB 13 2012** 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 PETITIONER:  
[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,  
  
Perry Rhew  
Chief, Administrative Appeals Office

Counsel also provides an April 13, 2009 statement signed by [REDACTED] who states that the applicant helped in convening, organizing and participating in several working sessions, informal consultations, informational and coordination meetings held at the UN Headquarters at the Permanent Mission of [REDACTED] and other diplomatic-related venues in New York. [REDACTED] describes the applicant's help as taking notes, briefing participants on protocol and procedural issues, and helping prepare reports for the [REDACTED] government and UN member States, as well as organizing meetings and keeping records and files and accompanying him in meetings. Again, [REDACTED] general statement regarding the applicant's duties does not demonstrate that the applicant's duties exceeded the organizing and recordkeeping duties of a clerical functionary. Although counsel emphasizes that [REDACTED] indicates that the applicant participated in diplomatic meetings, [REDACTED] follows this statement by a description of the applicant's clerical/administrative function at the meetings.

Counsel contends that a previously submitted letter also demonstrates that the applicant conducted diplomatic meetings. As the AAO determined, the previously submitted letter did not provide substantive evidence that the applicant performed diplomatic or semi-diplomatic duties on behalf of the [REDACTED] government. A review of the statements provided on motion only further confirms that the applicant performed clerical/administrative duties while employed at the [REDACTED] Mission. The record on motion does not establish that the applicant's duties differed from her designation as a receptionist who assisted in organizing meetings, taking notes, and translation as necessary. The record does not establish the applicant performed diplomatic or semi-diplomatic duties and accordingly she is not eligible for consideration for the benefit under Section 13.

Upon review of the applicant's testimony and the testimony offered by others on her behalf, the AAO previously determined that the applicant had not provided probative evidence that she is unable to return to [REDACTED] because of any action or inaction on the part of the [REDACTED] government or other political entity and that she had not demonstrated that she is at greater risk of harm because of her past government employment, political activities or other related reason. A review of the evidence previously submitted confirms that neither the applicant nor those offering testimony on her behalf provided probative detailed statements regarding specific incidents of threats or harassment against the applicant.

On motion, counsel asserts that the applicant will be subject to prison for eight to sixteen years as she has been accused of conspiracy against [REDACTED] defamation of the government and defamation of the President. As the AAO previously determined, the applicant did not provide probative evidence of the claimed accusations against her. In addition, we noted that the applicant in the first iteration of her testimony provided no information regarding the personal animosity between herself and the Ambassador/Head of Mission and that she did not indicate she had any political disagreement with the Chavez government; rather she stated that her fear of return to [REDACTED] related to her former business associates. The applicant's subsequent testimony added that she was subjected to threats and harassment because of her expression of disagreement with the [REDACTED] government's policies and that the Ambassador serving at the Mission had sent information to the Venezuelan government indicating that she opposed the government. Contrary to counsel's claim on motion, however, the record does not include probative evidence that the applicant was accused of conspiracy against [REDACTED] or defamed the government or the President.

As was previously stated, going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm'r 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm'r 1972)).

On motion, counsel asserts that the verbal threats against the applicant and her family have turned into actions. Counsel provides an April 11, 2009 letter from the applicant's sister indicating that she was a victim of an attempted kidnapping on December 23, 2008 and that she believed the potential kidnapers were either police or military. The applicant's sister notes that she contacted a friend who knew an investigating agent who strongly suggested that she not file a report as he believed that the potential kidnapers were police officials, but that this individual, due to fear and reprisals, refused to provide a statement to that effect. Counsel also contends that political and human rights organizations continuously denounce the actions of the Venezuelan government and that the applicant will be subjected to prison if she returns.

Upon review of the additional information provided on motion, the record does not include probative evidence establishing that the alleged attempted kidnapping of the applicant's sister was because of the applicant's political actions. The information provided is speculative and not substantiated. The AAO again acknowledges the turmoil that exists in Venezuela today and as outlined in the articles submitted on motion. However, the applicant has not provided evidence that she is at greater risk of harm from the Venezuelan government due to any political changes in Venezuela 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 or would be at risk of harm because of her political activities. It is again noted that the State Department has objected to the applicant being granted adjustment of status and indicated that it does not believe that compelling reasons prevent the applicant's return to Venezuela. *See* Interagency Record of Request (Form I-566). The applicant in this matter has failed to meet her burden of proof in demonstrating that there are compelling reasons that prevent her return to Venezuela as required under Section 13. Accordingly, the AAO's previous decision remains undisturbed.

Although unnecessary to address because the applicant has not established that she was a diplomat performing diplomatic or semi-diplomatic duties and because she has not established that compelling reasons preclude her return to Venezuela, the applicant also failed to establish that her adjustment of status is in the national interest. Counsel asserts that demonstrating that the applicant's adjustment of status is in the national interest should be interpreted broadly and cites Board of Immigration Appeal precedent decisions granting adjustment of status to individuals whose benefit to the United States is unclear. The cases cited involve facts that are not analogous to the matter at hand. Moreover, although the applicant works for a worthy organization, such work does not demonstrate that her adjustment is in the national interest as the term is understood in the context of Section 13 adjudications.

The eligibility for relief pursuant to Section 13 is limited and ineligibility for Section 13 relief does not preclude the applicant from pursuing other benefits provided under the immigration laws of the United States.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not met that burden.

**ORDER:** The previous decision of the AAO, dated March 24, 2009, is affirmed. The application remains denied.