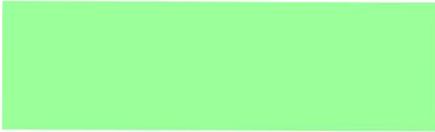




U.S. Citizenship
and Immigration
Services

(b)(6)



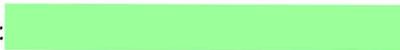
Date: **SEP 10 2013** Office: WASHINGTON DISTRICT

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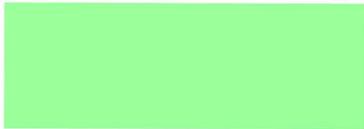
IN RE:

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:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office 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 M. Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Field Office Director, Washington, D.C. and the Administrative Appeals Office (AAO) dismissed a subsequently filed appeal, and three subsequently filed motions. The matter is again before the AAO on a fourth motion to reopen or reconsider. The motion will be dismissed. The application remains denied.

The applicant is a native and citizen of [REDACTED] 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 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).

The field office director denied the application for adjustment of status after determining that the applicant had not established: that he performed diplomatic or semi-diplomatic duties; and that compelling reasons prevent his return to [REDACTED]. The field office director also noted that the U.S. Department of State issued its opinion on May 12, 2008 advising that it could not favorably recommend this matter because the applicant's reasons to remain in the United States are not compelling.

On February 23, 2010, the AAO affirmed the field office director's determination that the applicant failed to establish that he had performed diplomatic or semi-diplomatic duties for the [REDACTED] to the United Nations in New York and that he had failed to present compelling reasons that prevent his return to [REDACTED]. As the applicant had not established that compelling reasons prevent his return to [REDACTED] the AAO did not address the issue of whether adjustment of status would be in the national interest of the United States.

On September 9, 2010, August 27, 2012, and again on June 3, 2013, the AAO dismissed the applicant's motion to reopen or reconsider. In dismissing the motion, the AAO noted that the record on motion did not include any new facts and that the applicant's affidavit did not satisfy either the requirements of a motion to reopen or a motion to reconsider.

On July 29, 2013, the applicant filed a fourth motion to reopen and a motion to reconsider. The applicant does not state any facts or reasons for filing the motion. The AAO will dismiss this motion because the applicant has failed to satisfy the requirements for a motion to reopen or a motion to reconsider.

The regulation at 8 C.F.R. § 103.5(a)(2) states, in pertinent part:

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence.

The regulation at 8 C.F.R. § 103.5(a)(3) states, in pertinent part:

A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an

application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

In the current motion, the applicant has provided no new facts to be discussed in the motion to reopen. The applicant completed a Form I-290B and provided no statement or other information as to the basis for the motion. As the applicant has failed to provide new facts for consideration in the motion to reopen, the motion to reopen will be dismissed.

As for the motion to reconsider, the applicant does not provide any reasons for reconsideration that are supported by pertinent precedent decisions to establish that the AAO's prior decisions were based on an incorrect application of law or United States Citizenship and Immigration Services (USCIS) policy. The applicant also fails to provide pertinent precedent decisions or evidence to establish that the AAO's decision was incorrect based on the evidence of record at the time of the initial decision or establish that the director or the AAO misinterpreted the evidence of record.

A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4). 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. Accordingly, the motion will be dismissed and the previous decisions of the AAO will not be disturbed.

ORDER: The motion is dismissed. The previous decisions of the AAO are affirmed. The application remains denied.