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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Service  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



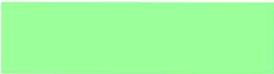
U.S. Citizenship  
and Immigration  
Services



DATE: JUL 02 2014

Office: NATIONAL BENEFITS CENTER

FILE: 

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: 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. .

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 Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further action.

The AAO conducts appellate review on a *de novo* basis. See *Siddiqui v. Holder*, 670 F.3d 736, 741 (7th Cir. 2012).

The applicant is seeking to adjust his status to that of lawful permanent resident under section 13 of the Immigration and Nationality Act of 1957, 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)(A)(ii) of the Immigration and Nationality Act (the 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 his return to Russia. The director also noted that the Department of State issued its opinion on December 3, 2013, advising that it could not make a favorable recommendation in this case as the applicant had not established compelling reasons that prevent his return to Russia. *Decision of National Benefits Director*, dated January 21, 2014.<sup>1</sup>

The record, however, does not support the director's finding that the applicant is a citizen and national of Russia.

The applicant was born in Moscow, Russia while his father was posted as a diplomat to Pakistan. As evidence, the applicant submitted a copy of his Pakistan passport, and the biographical page of his U.S. visa issued by U.S. Department of State on March 7, 2006, which lists the applicant's nationality as Pakistan. The applicant indicated on his Form I-485, Form G-325A (Biographic Information), Form I-94 (Arrival-Departure Record) and on the Form I-566 (Interagency Record of Request) his country of citizenship as Pakistan.

The case will be remanded to the director in order for review the record of proceedings and make a determination based on the country represented by the government that accredited him.

**ORDER:** This case is remanded for further action and consideration pursuant to the above.

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<sup>1</sup> The director also denied the applications of the applicant's spouse and his son. The AAO will issue a separate decision for each dependent.