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

(b)(6)

U.S. Citizenship and Immigration Services

DATE: JUL 0 9 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:

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. 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,

for 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 appeal will be dismissed.

The applicant is a citizen of Bangladesh who is seeking to adjust his status to that of a lawful permanent resident under section 13 of the Immigration and Nationality Act of 1957, Pub. L. No. 85-316, as the immediate relative of an alien who performed diplomatic or semi-diplomatic duties under section 101(a)(15)(G)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(G)(i).71 Stat. 642, as modified, 95 Stat. 1611, 8 U.S.C. § 1255b,

The director denied the Form I-485, Application to Register Permanent Residence or Adjust Status, on March 31, 2014. The director determined that the applicant's father had failed to demonstrate that compelling reasons prevent his return to Bangladesh. The director denied the applicant's adjustment application on the basis of his father's ineligibility for benefits under section 13 of the Act. Counsel has appealed both decisions.

In a separate decision, the AAO dismissed the appeal of the applicant's father concurring with the director's decision that the applicant had not demonstrated that compelling reasons preclude his return to Bangladesh. As the applicant's eligibility for adjustment under section 13 of the Act derives from the eligibility of 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 of the Act. 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.