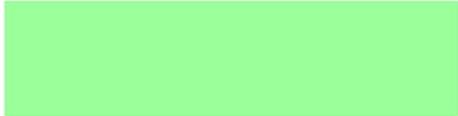




U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: OFFICE: NATIONAL BENEFITS CENTER  
NOV 26 2014

FILE: [Redacted]

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: 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. 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the National Benefits Center Director and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is again before the AAO on a motion to reopen. The motion will be dismissed. The application will remain denied.

The applicant is a native and citizen of Bangladesh who is seeking to adjust her 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)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(A)(ii).

The director denied the Form I-485, Application to Register Permanent Residence or Adjust Status, on February 22, 2012. The director determined that the applicant's spouse had failed to establish that compelling reasons prevent his return to Bangladesh. The director denied the applicant's adjustment application on the basis of her spouse's ineligibility for benefits under Section 13. Both decisions were appealed.

In a separate decision, we dismissed the appeal, and a subsequent motion to reopen, of the applicant's spouse concurring with the director's decision that he had not demonstrated that compelling reasons preclude his return to Bangladesh. As the applicant's eligibility for adjustment under Section 13 derives from the eligibility of her husband, the AAO affirms its previous decision that the applicant had not established that compelling reasons prevent her return to Bangladesh.

For the reasons discussed above, we find 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 she is eligible for adjustment of status. The applicant has failed to meet that burden. Accordingly, the motion will be dismissed.

**ORDER:** The motion is dismissed. The previous decision of the AAO is affirmed.  
The application remains denied.