



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

MATTER OF T-B-

DATE: DEC. 30, 2015

APPEAL OF NATIONAL BENEFITS CENTER DECISION

APPLICATION: FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE
OR ADJUST STATUS

The Applicant, a native and citizen of Moldova, seeks to adjust status to Lawful Permanent Resident. *See* Section 13 of the Act of September 11, 1957, Pub. L. No. 85-316, 71 Stat. 642, *amended by* Pub. L. No. 97-116, 95 Stat. 161 (1981), 18 U.S.C. § 1255b. The Director, National Benefit Center, denied the application. The matter is now before us on appeal. The appeal will be summarily dismissed.

The Director denied the application because the Applicant's spouse had not established compelling reasons that prevent her return to Moldova. The Director denied the Applicant's adjustment of status application on the basis of his spouse's ineligibility for benefits under Section 13. *Decision of the Director*, dated February 6, 2015.

On appeal, the applicant relies on the same assertion as his spouse that the Director misinterpreted the Applicant's case and that the decision to deny the application was in error. On the Form I-290B, Notice of Appeal or Motion, the Applicant indicated that he would file a brief and/or additional evidence with the AAO within 30 days. Pursuant to 8 C.F.R. § 103.3(a)(2)(vii) and (viii), an affected party may request additional time to file a brief, which is to be submitted directly to the AAO. As of the date of this decision, we have not received any additional documents or brief in support of the appeal.

8 C.F.R. § 103.3(a)(1) states in pertinent part:

- (v) *Summary dismissal.* An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

In a separate decision, we summarily dismissed the appeal of the Applicant's spouse on the grounds that the Applicant's spouse failed to identify specifically any erroneous conclusion of law or statement of fact on the appeal or in the Director's decision.

The Applicant's eligibility for adjustment under Section 13 derives from the eligibility of his spouse, and the Applicant has provided no new facts or evidence separate from those submitted by his spouse.

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The Applicant has failed to identify specifically any erroneous conclusion of law or statement of fact in the Director's decision. Accordingly the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of T-B-*, ID# 14704 (AAO Dec. 30, 2015)