U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF S-A-K-

DATE: NOV. 10, 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 Pakistan, 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 Benefits Center, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the application because the Applicant's father had not established compelling reasons that prevent his return to Pakistan. The Director denied the Applicant's adjustment of status application on the basis of her father's ineligibility for benefits under Section 13. *Decision of the Director,* dated June 9, 2014. On appeal, the Applicant submits copies of the same documents submitted by her father in support of his appeal.

In a separate decision, we dismissed the appeal of the Applicant's father on the grounds that he had not established compelling reasons within the meaning of Section 13 that preclude his return to Pakistan. We found that the Applicant's father had not established that he was at risk of harm due to political change or upheaval that occurred while he was in the United States in diplomatic status, as required under Section 13 of the Act. We further found that the Applicant's father's desire to remain in the United States so that his children could continue with their education is not a compelling reason within the meaning of Section 13. For these reasons we found that the principle applicant was not eligible for adjustment of status under Section 13 as he had not demonstrated that there are compelling reasons why he is unable to return to Pakistan.

As the Applicant's eligibility for adjustment under Section 13 derives from the eligibility of her father, and the Applicant has provided no new facts or evidence separate from those submitted by her father, the Applicant has failed to establish compelling reasons that prevent her return to Pakistan. She is also ineligible for adjustment of status under Section 13 of the Act.

It is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. In this case, the Applicant has not met that burden. Accordingly the appeal will be dismissed.

ORDER: The appeal is dismissed.

Cite as *Matter of S-A-K-*, ID# 13092 (AAO Nov. 10, 2015)