



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 9608134

Date: AUG. 3, 2020

Appeal of National Benefits Center Decision

Form I-485, Application to Adjust Status

The Applicant is a citizen of Pakistan who seeks to adjust status to that of a lawful permanent resident under section 13 of the 1957 Immigration Act (Section 13). 8 U.S.C. § 1255b. Section 13 allows a foreign national who was previously an A-1, A-2, G-1, or G-2 nonimmigrant to adjust status if certain criteria are met.¹

The Director of the National Benefits Center denied the application, concluding that the Applicant was ineligible to adjust status under Section 13 because the principal applicant was also ineligible for the requested benefit.

On appeal, the Applicant asserts that he is well educated and currently employed in the United States, and requests that his adjustment application under Section 13 be adjudicated favorably based on those factors rather than based on the principal applicant's eligibility.

In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. Section 291 of the Immigration and Nationality Act, 8 U.S.C. § 1361. Upon *de novo* review, we will dismiss the appeal because the Applicant has not met this burden.

The Applicant filed the instant request for adjustment of status under Section 13 as the dependent child of his father (principal), who is a former employee of the Pakistani government in the United States. The record reflects that the Director determined that the principal was ineligible for adjustment of status under Section 13, and denied his Form I-485 on November 26, 2019. The record does not show, and the Applicant does not claim that the principal appealed the adverse decision to our office, as instructed by the Director. The denial of the principal's adjustment application therefore became final upon the expiration of the 33-day appeal period.²

¹ Pub. L. No. 85-316, 71 Stat. 642, *amended by* Pub. L. No. 97-116, 95 Stat. 161 (1981). The A nonimmigrant classification is for diplomats and foreign government officials (principal) as well as their immediate family members. The G nonimmigrant classification is for employees of certain international organizations (principal) and their immediate family members. *See* <https://travel.state.gov>.

² *See* 8 C.F.R. §§ 103.3(a)(2)(i) and 103.8(b).

The Applicant's eligibility for adjustment of status under Section 13 depends on that of the principal's eligibility. Because the principal was determined to be ineligible to adjust status under Section 13, the Applicant also does not qualify for adjustment of status on that basis.

We acknowledge the Applicant's statement that he would like to obtain permanent resident status in his own right because he has the education, skills, and ambition necessary to prove himself as a valuable asset to the United States. While those are positive considerations, neither the Act nor the regulations authorize adjustment of status under Section 13, as a matter of discretion, of individuals who have not established statutory eligibility for such status. The Applicant's Form I-485 therefore must remain denied.

ORDER: The appeal is dismissed.