



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 7954837

Date: AUG. 21, 2020

Appeal of National Benefits Center Decision

Form I-485, Application to Adjust Status

The Applicant is a citizen of Nepal 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. In a separate decision, we dismissed the principal applicant's appeal because the record did not establish, as required, that he performed diplomatic or semi-diplomatic duties and that there are compelling reasons preventing his return to Nepal. The Applicant bases her claim to adjustment of status under Section 13 upon that of the principal applicant's eligibility. As the principal applicant has not demonstrated eligibility for adjustment of status under Section 13, the Applicant's Form I-485 cannot be approved for the same reasons.

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.

ORDER: The appeal is dismissed.

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>.