



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

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

In Re: 10064549

Date: JUNE 16, 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.

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 Pakistan. The Applicant's claim to adjustment of status under Section 13 is based on the principal applicant's eligibility. As the principal applicant has not demonstrated that he is eligible 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.