U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

(b)(6)

DATE: JUL 1 5 2015

FILE:
APPLICATION RECEIPT:

IN RE: Applicant:

APPLICATION: Application for Status as Permanent Resident Pursuant to Section 13 of the Act of September 11, 1957, 8 U.S.C. § 1255b.

ON BEHALF OF APPLICANT:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) in your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO**.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the National Benefits Center Director and an appeal and subsequent motion were dismissed by the Administrative Appeals Office (AAO). The matter is again before the AAO on a second motion to reopen. The motion will be dismissed.

The applicant is a native and citizen of Bangladesh who is seeking to adjust his status to that of a lawful permanent resident under section 13 of the Act of 1957 ("Section 13"), Pub. L. No. 85-316, 71 Stat. 642, as modified, 95 Stat. 1611, 8 U.S.C. § 1255b, as the immediate relative of an alien who performed diplomatic or semi-diplomatic duties under section 101(a)(15)(A)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(A)(ii).

The director denied the applicant's Form I-485, Application to Register Permanent Residence or Adjust Status, on February 22, 2012. The director determined that the applicant's father had not established that compelling reasons prevent his return to Bangladesh. The director denied the applicant's Form I-485 on the basis of his father's ineligibility for benefits under Section 13. Both decisions were appealed.

In separate decisions, we dismissed the appeal, a subsequent motion to reopen, and a second motion to reopen, filed by the applicant's father. We concurred with the director's decision that the applicant's father had not demonstrated that compelling reasons prevent his return to Bangladesh. As the applicant's eligibility for adjustment under Section 13 derives from the eligibility of his father, we affirm our previous decision that the applicant has not established that compelling reasons prevent his return to Bangladesh.

For the reasons discussed above, we find that the applicant is not eligible for adjustment under Section 13. Pursuant to section 291 of the Act, 8 U.S.C. 1361, the burden of proof is upon the applicant to establish that he is eligible for adjustment of status. The applicant has not met his burden. Accordingly, the motion will be dismissed

ORDER: The motion is dismissed. The previous decisions of the AAO are affirmed. The application remains denied.