



U.S. Citizenship
and Immigration
Services

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FILE:

Office: BALTIMORE, MD

Date: **MAY 22 2007**

IN RE:

Petitioner:

PETITION: Application for Status as Permanent Resident Pursuant to Section 13 of the Act of September 11, 1957

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, Baltimore, Maryland and is now before the Administrative Appeals Office (AAO) on appeal. The decision will be withdrawn and the matter referred to the Washington District Office for a new decision.

The applicant is a native and citizen of Nigeria who is seeking to adjust his status to that of a lawful permanent resident under section 13 of the Immigration and Nationality Act of 1957 (1957 Act), Pub. L. No. 85-316, 71 Stat. 642, as modified, 95 Stat. 1611, as an alien who performed diplomatic or semi-diplomatic duties under section 101(a)(15)(A)(i) of the Act.

The district director denied the application for adjustment of status after determining that the applicant had failed to demonstrate that he previously held a semi-diplomatic position, that he was unable to return to Nigeria or that his adjustment would serve U.S. interests.

On appeal, the applicant contends that the district director erred in denying the application as he has spent over 20 years in the United States, has good moral character and a family comprising U.S. citizen children. He states that he will also present evidence to show that he was enjoying the privileges and immunities of a diplomat with his A-2 status.

The AAO notes that although an application for adjustment under section 13 of the 1957 Act is filed with the Citizenship and Immigration Services (CIS) office having jurisdiction over the applicant's place of residence, the Washington District Office has jurisdiction over the adjudication of the application. Once the CIS office with jurisdiction over the applicant's place of residence has interviewed him or her, the applicant's file must be forwarded to the Washington District Office for a decision. *Adjudicator's Field Manual at 23.10(d)*.

In that the Baltimore District Office issued the decision in the present case, the decision will be withdrawn. The applicant's file will be sent to the Washington District Office for adjudication.

ORDER: The district director's decision is withdrawn and the application forwarded to the Washington District Office for a new decision. Should the new decision be adverse to the applicant, it shall be certified to the AAO for review.