



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

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

In Re: 25103567

Date: AUG. 11, 2023

Appeal of National Benefits Center Decision

Form I-485, Application to Register Permanent Residence or Adjust Status

The Applicant is a citizen of Sri Lanka 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 noncitizen who was previously an A-1, A-2, G-1, or G-2 nonimmigrant to adjust status if certain criteria are met.<sup>1</sup>

The Director of the National Benefits Center denied the Form I-485, concluding that the Applicant was ineligible to adjust status under Section 13 because the principal applicant was also ineligible for the requested benefit. The matter is now before us on appeal.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

In a separate decision, we dismissed the principal applicant's appeal because she did not establish the requisite failure to maintain her A-2 nonimmigrant status as of the application's filing date, performance of diplomatic or semi-diplomatic duties, and compelling reasons that prevented her from returning to Sri Lanka. The Applicant's claim of eligibility for adjustment of status under Section 13 is based upon 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.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> 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>.