



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

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

In Re: 27311558

Date: SEPT. 18, 2023

Appeal of National Benefits Center Decision

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

The Applicant, a citizen of Niger, filed the instant Form I-485 to adjust his status to that of a lawful permanent resident (LPR) under section 13 of the 1957 Immigration Act (Section 13). 8 U.S.C. § 1255b. Section 13 allows a noncitizen who was admitted to the United States as an A-1, A-2, G-1, or G-2 nonimmigrant to adjust status to that of an LPR if they can demonstrate, in part, that they performed diplomatic or semi-diplomatic duties and are unable, because of compelling reasons, to return to the country represented by the government which accredited the noncitizen. 8 U.S.C. § 1255b(b); 8 C.F.R. § 245.3.

The Director of the National Benefits Center denied the Form I-485, concluding that the Applicant did not establish that after he was admitted to the United States as an A-2 nonimmigrant to attend the Aquatic Rescue Instructor Training Course he performed diplomatic or semi-diplomatic duties on behalf of the Nigerien government. On appeal, the Applicant asserts that the Director's decision was in error, and we acknowledge this assertion. Nevertheless, upon de novo review we will dismiss the appeal as moot.

The record reflects that while the instant appeal was pending the Applicant filed another Form I-485 requesting adjustment of status under section 245(a) of the Act, 8 U.S.C. § 1255(a).¹ In July 2022 U.S. Citizenship and Immigration Services granted the Applicant's request and his status was adjusted to that of an LPR Diversity Visa Immigrant (DV6). Because the Applicant adjusted his status in the United States on another basis, and there is nothing in the record to suggest that his LPR status has been since rescinded, terminated, or abandoned, no purpose would be served by evaluating at this time whether the Applicant may have met eligibility criteria for adjustment of status under Section 13.

ORDER: The appeal is dismissed.

¹ See 8 C.F.R. § 245.3 (providing, in part, that because the number of noncitizens whose status may be adjusted under Section 13 is limited to 50 per year, any noncitizen who is prima facie eligible for adjustment of status to that of an LPR under another provision of law shall be advised to apply for adjustment pursuant to such other provision of law).