

Exhibit 24
SEALED

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Minneapolis-St. Paul Field Office
250 Marquette Ave, Suite 710
Minneapolis, MN 55401

FILE COPY



U.S. Citizenship
and Immigration
Services

Date: APR 10 2019

Mehdi Ostadhassan
2100 36th Avenue S., Apt. 307
Grand Forks, ND 58201

MSCI890353216

DECISION

Dear Mehdi Ostadhassan:

Thank you for submitting Form I-485, Application to Register Permanent Residence or Adjust Status, to U.S. Citizenship and Immigration Services (USCIS) under section 245 of the Immigration and Nationality Act (INA).

After a thorough review of your application and supporting documents and your testimony during your interview unfortunately, we must inform you that we are denying your application for the following reason(s).

Generally, to qualify for adjustment under INA 245, an applicant must:

- Be inspected and admitted or paroled into the United States;
- Be eligible to receive an immigrant visa;
- Be admissible to the United States for permanent residence; and
- Have an immigrant visa immediately available at the time the application is filed.

Statement of Facts and Analysis, Including Ground(s) for Denial

You filed the current Form I-485 (MSCI890353216) based on being the beneficiary of an immigrant petition. USCIS received your Form I-485 on December 8, 2017.

The record shows that you filed a previous I-485 (MSC1490609089) on February 11, 2014, and on September 24, 2015, you appeared for an interview. On October 27, 2017 your previous Form I-485 was denied for the reasons stated below.

INA Section 245 does not contemplate that all aliens who meet the required legal standards will be granted adjustment of status to lawful permanent resident, since the grant of an application for adjustment is a matter of discretion and of administrative grace, not mere eligibility. Matter of Marques, 16 I&N Dec. 314 (BIA 1977). An applicant has the burden of showing that discretion should be exercised in his or her favor. Matter of Patel, 17 I&N Dec. 597 (BIA 1980); Matter of Leung, 16 I&N Dec. 12 (BIA 1976); Matter of Arai, 13 I&N Dec. 494 (BIA 1970).

In explaining section 245, the Regional Commissioner, in Matter of Tanahian, 18 I&N Dec. 339 (Reg. Comm. 1981), stated, in part, that “[T]he determination to grant permanent residence status under section 245 ... lies entirely within the discretion of the Attorney General [and Secretary of Homeland Security]. An applicant who meets the objective prerequisites for adjustment of status is in no way entitled to that relief.” *Id.*

Where adverse factors are present in any given application for adjustment of status under section 245, it may be necessary for the applicant to offset these factors by showing unusual or even outstanding equities. *Id.* However, an absence of major adverse factors alone does not warrant the grant of adjustment of status. Matter of Blas, 15 I&N Dec. 626 (BIA 1974). The extraordinary discretionary relief provided in section 245 can only be granted in meritorious cases and is not designed to supersede the regular consular visa issuing process. *Id.* In this case, USCIS has determined that your case presents significant adverse factors which are not offset by the equities. Accordingly, USCIS denies your I-485 adjustment of status application as a matter of discretion for the following reasons.

First, USCIS reviewed your Form DS-156, Non-immigrant Visa Application that you submitted in order to obtain your student (F-1) visa. You signed and dated the form on March 20, 2009. Your Form DS-157, Supplemental Nonimmigrant Visa Application, submitted with the DS-156, asks the question (#15), “Have you Ever Performed Military Service?” You answered “No” to this question. Question #14 on the form further asks, “Do you have any specialized skills or training, including firearms, explosives, nuclear, biological, or chemical experience?” You also answered “No” to this question. However, you testified at your adjustment of status (I-485) interview on September 14, 2015, and noted on your Form I-485 that you did serve in the Iranian military (IRAF) from April 21, 2006, to September 15, 2006. You stated you were given the rank of Second Lieutenant based on your academic degree. At your adjustment interview, you stated you also received firearms training while in the military at your adjustment interview.

Form DS-157 also instructs at Question #13, List all Professional, Social, and Charitable Organizations to Which You Belong (Belonged) or Contribute (Contributed) or With Which You Work (Have Worked). You listed two organizations: SEG (Society of Exploration Geophysicists) and SPE (Society of Petroleum Engineers). However, on the form you failed to list a number of organizations to which you belonged, contributed to, or worked with, including the Union of Islamic Students Association in Europe, France Chapter (Board Member, and Editor-in-Chief of chapter newspaper): January 2007-August 2008, Islamic Students Association (Board Member and Editor-in-Chief of organization newspaper): September 2001 – August 2005, and the Basij Students (Member) 1997-2001. You failed to disclose your membership in these organizations until several years later at your adjustment of status interview on September 14, 2015.

It is further noted that on your Form DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant, which accompanied your DS-156, you failed to list any work experience or employers at all on the form. However, according to your online faculty profile for the University of North Dakota (UND):

“Before starting his appointment at UND, [you] worked for several years in the industry as a petroleum geophysicist at various capacities. [You] also served as the energy division manager for the Atlantic Int. Operations, a UAE based company over a year.” (See University: *University of North Dakota*. N.p., n.d. Web. 09 Dec. 2016).

The consular office issued the F-1 visa to you on July 30, 2009, and you were subsequently admitted to the United States on August 5, 2009.

You failed to disclose your military service, firearms training, and work history in connection with your non-immigrant visa application and accompanying forms. You also failed to disclose your affiliations and membership in several groups on these forms. Accordingly, by failing to disclose this significant information you were not forthright with the United States government and this constitutes a significant negative factor in the exercise of discretion in this matter.¹

You stated on your I-485 attachment that you were a member of the Basij organization from 1997-2001. According to the Department of State's Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices for 2015 Iran report: "The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country's strict moral code without formal guidance or supervision from superiors. The supreme leader holds ultimate authority over all security agencies. The security forces were not considered fully effective in combating crime, and corruption and impunity remained problems. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were few reports of government actions to discipline abusers."²

The State Department's Iran Country Report for 1997, issued at the time you were involved in the Basij organization (1997-2001), indicates: "Paramilitary volunteer forces known as Basijis, and gangs of street thugs, known as the Ansar-e Hezbollah (Helpers of the Party of God), who are often aligned with specific conservative members of the clergy, act as vigilantes. Both regular and paramilitary security forces committed numerous serious human rights abuses. The Basijis, other security forces, and the Ansar-e Hezbollah monitor the social activities of citizens. Such organizations may harass or arrest women whose clothing does not cover the hair and all of the body except the hands and face, or those who wear makeup. Vigilante violence may include attacks on young people believed to be too foreign in their dress or activities, invading private homes, and abusing unmarried couples. Women also have been beaten if caught without proper clothing in public or in private houses when men are present."³ State Department Country Reports from 1998 through 2001 regarding Iran contain similar language and reference that the Basij was involved in human rights abuses.⁴

Your membership and involvement with the Basij organization, which the Department of State specifies had a poor human rights record during the time you were a member, is a significant negative factor in the exercise of discretion in this matter.

USCIS notes that you have resided in the United States since 2009, you are married to a United States citizen, you have not been arrested or convicted of any crime in the United States, and you are a professor at the University of North Dakota.

The Notice of Intent to Deny (NOID) was issued on April 5, 2017 and outlined the above-referenced derogatory information in accordance with 8 C.F.R. 103.2(b)⁵. On May 8, 2017, USCIS received your response through your attorney of record. You submitted a brief from your attorney, an affidavit, the Labour Code for the Islamic Republic of Iran dated November 20, 1990, a copy of the Iran Primer regarding the Basij Resistance, a copy of the Iran COI Compilation of the Austrian Center for Country of

¹ That this information was not disclosed on the forms may also have affected whether the consulate issued the visa.

² See <https://www.state.gov/j/drl/rls/hrrpt/2015/nea/252923.htm>

³ See https://www.state.gov/www/global/human_rights/1997_hrp_report/iran.html

⁴ See https://www.state.gov/www/global/human_rights/1998_hrp_report/iran.html; <https://www.state.gov/j/drl/rls/hrrpt/1999/409.htm>; <https://www.state.gov/j/drl/rls/hrrpt/2000/nea/786.htm>; <https://www.state.gov/j/drl/rls/hrrpt/2001/nea/8251.htm>

⁵ Including, but not limited to 8 CFR 103.2(b)(8);(11);and (16i)

Origin & Asylum Research and Documentation dated September 2013, a copy of a Country Information and Guidance on Iran from the Independent Advisory Group on Country Information (IAGCI) dated December 2015, and a copy of your son's birth certificate.

In your affidavit submitted in response to the NOID, you state that you never fully completed all of your mandatory military service, and therefore answered "no" to the question regarding military service on your DS-157, Supplemental Nonimmigrant visa application. You state you would have had to answer "no" on government related forms in Iran that ask this similar question, and that this explains why you answered in this manner on your non-immigrant visa application. As noted above however, the question on the DS-157 states: "Have you ever performed military service". The question does not ask whether you *completed* your military service. Thus, your explanation as to why you failed to disclose your military history in response to this question is not credible.

Next, you seek to explain why you do not consider your military weapons training "specialized" training. You stated you only received three hours of training, and never learned to fire a weapon. However, the question on the DS-157 clearly states "Do you have any specialized skills or training, *including firearms*, explosives, nuclear, biological, or chemical experience?" (Emphasis added). You answered "no" even though you had weapons training, and stated you had such training at your September 24, 2015, interview. Moreover, in your affidavit you admit that you received weapons training. You stated in your affidavit that you do not consider the training specialized. However, this explanation is not credible, as weapons training is by nature specialized regardless of the duration of the training. Indeed, this is what the wording of the question on the DS-157 form suggests. The question on the form asks for *any* firearms training without mention of where the training occurred or how much training was received. (Emphasis added).

Additionally, you state you believed you answered the question regarding your work history on the DS-158 honestly. You state it is true you managed projects for Atlantic International Operations for a few months prior to coming to the United States, but did not mention this on your visa application. You stated you failed to list this information because according to Iran's labor rules and regulations this does not qualify as "work". You state you did not receive payment for your work - therefore it is not recorded as employment. Yet in your online professional profile you stated that [you] have "worked for several years in the industry as a petroleum geophysicist at various capacities. [You] also served as the energy division manager for the Atlantic Int. Operations, a UAE based company over a year." You submitted the labor code as support for your argument that you were not paid for this work so this should not be considered work. Your varying representations regarding your employment history and your attempts to reconcile and/or explain away inconsistencies raise issues of your credibility sufficient to conclude that your explanations regarding your work history are not credible.

Similarly, you claimed in your affidavit submitted in response to the NOID that you were a member of the Basij Pupils organization, rather than Basij Students in Iran. You had previously stated you were in Basij Students at your interview on September 24, 2015, and on your amended Form I-485. You later claimed in this affidavit that there is a distinct difference between Pupil Basij, which is for students in high school, while Basij Students is for college students. You claim you did not perform any military service while in Basij Pupils, nor did you participate in any activities other than cultural, scientific and religious activities. You claim you did not participate in any Basij activities after you graduated from high school and that you did not want to join Basij Student. This contradicts your testimony at your adjustment of status interview and the document you submitted at the interview listing your membership in "Basij Students" from 1997-2001. Country reports indicate that Student Basij is a branch within the Basij, of

which members in high school receive access to or benefits at university due to their membership.⁶ Country reports further indicate that each specialized branch of the Basij functions as a counterweight to non-governmental organizations and the perceived threat they pose to the state. The Student Basij balances independent student organizations.⁷ On university campuses, student demonstrators are often attacked by student members of the paramilitary Basij organization or by outside vigilantes.⁸ The power of Student Basij remains enormous and they play a key role in keeping the student body silent and suppressed.⁹ Thus, there are serious doubts regarding the credibility of your new claim that you were not a member of Student Basij. Moreover, by your own definition of affiliation which you stated, "is a less formal relationship with an agreement to do voluntary work on an organization's behalf", you should have listed Basij on your Form I-485 as it would have been considered an affiliation.

For these reasons mentioned above, USCIS denied your previous application for adjustment of status (MSC1490609089) as a matter of discretion.

You filed the current Form I-485 based on being the beneficiary of an immigrant petition. USCIS received your Form I-485 on December 8, 2017. You submitted the following information and evidence with your Form I-485:

- Three attachment pages detailing responses to items 19, 49, 55, & 65 of Form I-485.
- Translation of your birth certificate.
- Photocopy of your I-94.
- Photocopy of your passport.
- Photocopy of your North Dakota Driver's license.
- I-864 Affidavit of Support and applicable tax forms.
- I-130 Approval notice.
- Parole document.
- Photocopy of your marriage certificate.
- Photocopy of your divorce decree and translation.
- Photocopies of your Form I-20's from 2009, 2012, & 2013
- Photocopy of the denial decision from your previous I-485 (MSC1490609089)
- Photocopy of your Employment Authorization Card valid from September 26, 2016 to September 25, 2017.
- Photocopy of the denial decision for your work authorization dated November 27, 2017.

You offered the following explanations in response to the following items of relevance on your Form I-485:

Part 3, Page 6, Item 19

"The work that I completed for the Atlantic Int. Operations LTD, was not listed originally on my visa application for entry to the US and it was not listed on my previous I-485 application, as well. However, I have listed that on my university professional website. When asked about this discrepancy, I provided a complete clarification regarding the position. I mention that at that time, I did not originally consider this as a job to be listed, based on the definition of having a job in Iran and the labor department. To be more specific, the company did not pay my benefits nor did I receive payments. I was not registered as an

⁶ See <http://iranprimer.usip.org/resource/basij-resistance-force>

⁷ See <http://iranprimer.usip.org/resource/basij-resistance-force>

⁸ <https://freedomhouse.org/report/countries-crossroads/2007>

⁹ See <http://www.refworld.org/docid/589455784.html>: Iran: Student Protests, including treatment of protestors by authorities (2013-January 2017)". Research Directorate, Immigration and Refugee Board of Canada, Ottawa

employee officially within the labor ministry. When I came to the United States, I realized that no matter the form of experience it is considered as a job. As soon as I realized thus, I listed it as my most recent employer in Iran. Considering my explanation, I never had the intention to mislead or provide misinformation. When this issue was brought up, I provided information in details and was forthcoming to ensure that my history of work was complete and nothing was left out.”

USCIS Analysis:

USCIS has determined that, given your high level of education and significant work experience over time, that you are not credible regarding your contention that you were unaware of what the meaning of a job is, or unaware that your work with Atlantic Int. Operations LTD was a job until you came to the United States. You claim to have worked for Atlantic Int. Operations LTD as a manager. You worked for Atlantic Int. Operations LTD in the United Arab Emirates (UAE) which is located outside of Iran. You were also involved in the American Professional Associations for Petroleum Engineers. Yet, you failed to disclose your work history on your Form DS-158, as well as on your first form I-485 (MSC1490609089). Additionally, despite claiming your work experience with Atlantic Int. Operations LTD as a manager was not a job, you nonetheless disclosed this position on your university professional website. Thus, your explanation for failing to disclose your work history on your DS-158 form is not credible.

Part 8, Page 12, Item 49

“In Iran, we are required to perform mandatory military service after graduating from college or high school. For my service, I was placed in the IRIAF (IRI air force) where I spent two months in training and one morning of that two months was spent on weapons training. The weapon was the G3, the official weapon of the Iranian Military. For the training, the officer opened the weapons case in front of the group and demonstrated how to assemble and disassemble the weapon. They proceeded to show us how to shoot the weapon, while we watched. During this two months period, based on my past religious and cultural experience and activities, I spent majority of the time promoting religious and cultural matters within the base. Due to my activities and involvements with the base religious and cultural division, I did not participate in any military training, drills, etc. (except the very first day). The last three months was entirely administrative work while I had to perform office duties from 7am to 1:30 pm. I did not have access to classified information or weaponry items during this time. When I got admitted into MS program my military service was terminated.

Another involvement that I had with a paramilitary group, based on the United States definition of this subject was with the Pupils Basij. I realized US defines Basij, a paramilitary group which I did not have any knowledge before filing my previous 485 since I did not participate in military, or paramilitary activities with Basij, in any form. I was part of the Student Pupil Basij when I was in guidance school and high school. This group had no military or paramilitary activity or purpose. The activities are focused on cultural and religious ones, specifically learning the Quran. I did not receive any military training or weapons training in any fashion from this group nor did I have any intention to perform any military duties for them. I was a minor at this time and wanted to participate in Quranic activities in my community. During this time, it was the only student organization that was available to us and somehow it was mandatory for everyone to be part of it.”

USCIS Analysis:

You state in your explanation that the last three months of your military service was made up of administrative work and office duties. Despite this claim, your time in the military is still considered military service, and the fact remains that you failed to list this military service on your DS Form 157 in

connection with obtaining a student visa though you had indeed performed such service in Iran. This is a significant negative discretionary factor with respect to your adjustment of status application.

You further stated on your I-485 attachment that you were a member of the Basij organization from 1997-2001. According to the Department of State's Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices for 2015 Iran report: "The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country's strict moral code without formal guidance or supervision from superiors. The supreme leader holds ultimate authority over all security agencies. The security forces were not considered fully effective in combating crime, and corruption and impunity remained problems. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were few reports of government actions to discipline abusers."¹⁰

The State Department's Iran Country Report for 1997, issued at the time you were involved in the Basij organization (1997-2001), indicates: "Paramilitary volunteer forces known as Basijis, and gangs of street thugs, known as the Ansar-e Hezbollah (Helpers of the Party of God), who are often aligned with specific conservative members of the clergy, act as vigilantes. Both regular and paramilitary security forces committed numerous serious human rights abuses. The Basijis, other security forces, and the Ansar-e Hezbollah monitor the social activities of citizens. Such organizations may harass or arrest women whose clothing does not cover the hair and all of the body except the hands and face, or those who wear makeup. Vigilante violence may include attacks on young people believed to be too foreign in their dress or activities, invading private homes, and abusing unmarried couples. Women also have been beaten if caught without proper clothing in public or in private houses when men are present."¹¹ State Department Country Reports from 1998 through 2001 regarding Iran contain similar language and reference that the Basij was involved in human rights abuses.¹²

Your membership and involvement with the Basij organization, which the Department of State specifies had a poor human rights record during the time you were a member, is a significant negative factor in the exercise of discretion in this matter. Your explanation does not establish that you were not involved with any of Basij's suppressive activities. Your credibility is also at issue as you have stated in one instance that membership was mandatory for all students. Yet in another instance you stated that you joined in order to participate in cultural and religious activities. Moreover, in response to the Notice of Intent to Deny (NOID) of your previous I-485 you claimed that you were a member of the Basij Pupils organization, rather than Basij Students in Iran. You had previously stated you were in Basij Students at your interview on September 24, 2015, and on your amended Form I-485. You later claimed in this affidavit that there is a distinct difference between Pupil Basij, which is for students in high school, while Basij Students is for college students. You claim you did not perform any military service while in Basij Pupils, nor did you participate in any activities other than cultural, scientific and religious activities. Further, you claim you did not participate in any Basij activities after you graduated from high school and that you did not want to join Basij Students. This contradicts your testimony at your adjustment of status interview and the document you submitted at the interview listing your membership in "Basij Students" from 1997-2001.

¹⁰ See <https://www.state.gov/j/drl/rls/hrrpt/2015/nea/252923.htm>

¹¹ See https://www.state.gov/www/global/human_rights/1997_hrp_report/iran.html

¹² See https://www.state.gov/www/global/human_rights/1998_hrp_report/iran.html; <https://www.state.gov/j/drl/rls/hrrpt/1999/409.htm>; <https://www.state.gov/j/drl/rls/hrrpt/2000/nea/786.htm>; <https://www.state.gov/j/drl/rls/hrrpt/2001/nea/8251.htm>

The Student Basij is well known for its repressive impact on college campuses. Country reports indicate that Student Basij is a branch within the Basij, of which members in high school receive access to or benefits at university due to their membership.¹³ Country reports further indicate that each specialized branch of the Basij functions as a counterweight to non-governmental organizations and the perceived threat they pose to the state. The Student Basij balances independent student organizations.¹⁴ On university campuses, student demonstrators are often attacked by student members of the paramilitary Basij organization or by outside vigilantes.¹⁵ The power of Student Basij remains enormous and they play a key role in keeping the student body silent and suppressed.¹⁶ Indeed, you claimed to be a member of Student Basij (Basij Students) on the attachment to your I-485 signed on September 24, 2015 until 2001. You were of college age in 2001. Now you claim membership in the "Student Pupil Basij". Your explanation confuses the matter of which Basij branch, if not both, you were a member. Your convoluted description of your Basij membership shows once again that you have not been forthright concerning your past affiliations and further adds to USCIS's determination that you are not credible regarding your involvement and activities in the organization, and with respect to this matter overall.

Part 8, Page 12, Item 55

"As was previously stated, I was part of the IRIAF for my mandatory military service. This was a 5-month period before I was accepted to my MS program. I did not see any combat nor practiced in any military drills during this time. In my youth, I was a part of the Student Pupil Basij which based on US laws is considered a paramilitary group, but Student Pupil Basij is for younger kids (ages 7-18) and does not engage the members in paramilitary types of activities unless you become a member of the main Basij outside of school which was not my case. The group that I belonged to had no military association and it was for the youth to become involved in religious and cultural activities in their communities. I did not perform any military or oppressive actions against anyone while a member, nor was I asked or instructed to such form of acts. I only participated in cultural and religious activities with main focus on learning Quran."

USCIS Analysis:

In your explanation you state: "I was part of the IRIAF for my mandatory military service." Yet, you failed to list your mandatory military service on your DS Form-157. You continue in your response to refer to the organization you belonged to as the Student Pupil Basij. As stated before the Pupil Basij appears to be separate from the Student Basij. Moreover, as noted above, you claimed membership in Student Basij as of 2001, which is for college age students. Your failure to list your military service and membership in Student Basij cut off a material line of inquiry into whether you were, in fact, eligible to receive a student visa. Accordingly, this raises serious doubts regarding your credibility in this matter.

Part 8, Page 13, Item 65

"1) When applying for my visa to come to the United States to study, I did not include my military service, my work history in Iran, or my membership in the full list of organizations that is included here. None of those omissions were intentional, and were based on my interpretation or misunderstanding of what was required to be provided. This exclusion of information was never purposeful and I never had the intent to misrepresent or conceal any information from the United States. These were all due to my own personal interpretation of the questions and misunderstanding of the information that was requested.

¹³ See <http://iranprimer.usip.org/resource/basij-resistance-force>

¹⁴ See <http://iranprimer.usip.org/resource/basij-resistance-force>

¹⁵ <https://freedomhouse.org/report/countries-crossroads/2007>

¹⁶ See <http://www.refworld.org/docid/589455784.html>:Iran: Student Protests, including treatment of protestors by authorities (2013-January 2017)". Research Directorate, Immigration and Refugee Board of Canada, Ottawa

When I was asked for additional information or clarification, I provided all of the information and did not hesitate to update any information that was requested. In particular, I did not check the "yes" box regarding my military service due to my original understanding of the question. When I read the document I interpreted it incorrectly, and due to the standards in Iran I selected "no", because I have no [Sic] completed the required time for mandatory service and do not have the official documents showing that I have finished the term.

2) I also selected "no" to the question that asked whether I had any specialized training, including weapons training, because the question had the word "specialized." When I interpreted that word, I thought it implied that I have an advanced knowledge of weapons and based on my experience of only visibly seeing someone use to use a very old weapon for a very short period of time, I thought this is not definitely qualify as specialized.

3) On my student visa application I did not list all of the student organizations that I was active in, due to my understanding of the question. I listed the organizations that I was currently active at the time and not the previous ones, since I was no longer contributing to them. I have a complete list in this document with new organizations since then, as well as any organization that I have contributed to by any form.

4) For the work that I completed in Iran, at that time I did not consider that as a job based on the rules of the Iranian government since they did not register me with the labor department and did not pay for my insurance and pension. Based on this, Iranian government does not consider me as an employee for that company ever. After I came to the United States, I realized that experience can be considered an internship and thus it was listed as employment. I have listed it here to ensure that it is clear that I have this internship opportunity before coming to the Unites States."

USCIS Analysis:

Despite updating your forms and providing testimony at your first I-485 examination, your initial omissions of your work history and weapons training at the stage where you obtained a visa to enter the United States is highly significant. Your omissions cut off a line of inquiry that could have impacted your eligibility for a student visa and admissibility to the United States. More significantly, your omissions demonstrate a lack of credibility.

You argue that: "I also selected "no" to the question that asked whether I had any specialized training, including weapons training, because the question had the word "specialized." When I interpreted that word, I thought it implied that I have an advanced knowledge of weapons and based on my experience of only visibly seeing someone use to use a very old weapon for a very short period of time, I thought this is not definitely qualify as specialized." However, the question clearly asks whether you had any specialized training, **including** firearms training. (*emphasis added*). Moreover, the question indicates that firearms training, is indeed specialized training.

You also state that on your student visa application you did not list all of the student organizations that you were active in, due to your understanding of the question. You listed the organizations in which you were currently active at the time and not the previous ones, since you were no longer contributing to them. However, the DS-157 clearly asked you to "List all professional, social, and charitable organizations to which you belong (belonged) or contribute (contributed) or with which you work (have worked). You listed only two organizations: Society of Exploration Geophysicist (SEG) and Society of Petroleum Engineers (SPE). You submitted your DS Forms in 2009.

During your first I-485 application you submitted a supplemental list of all of the organizations of which you have ever been a member. Notably you listed the following organizations that you report membership in prior to 2009. Union of Islamic Students Association in Europe, France Chapter, Islamic Students Association, and Basij Students. Your failure to list these organizations on the DS-157 may have cut off a material line of inquiry that could have impacted your eligibility for the nonimmigrant visa. Again, your omissions demonstrate a pattern of ossification and lack of credibility in this matter

Additionally, you state you believed you answered the question regarding your work history on the DS-158 honestly. You state it is true you managed projects for Atlantic International Operations for a few months prior to coming to the United States, but did not mention this on your visa application. You stated you failed to list this information because according to Iran's labor rules and regulations this does not qualify as "work". You state you did not receive payment for your work - therefore it is not recorded as employment. Yet in your online professional profile you stated that [you] have "worked for several years in the industry as a petroleum geophysicist at various capacities. [You] also served as the energy division manager for the Atlantic Int. Operations, a UAE based company over a year." You submitted the labor code as support for your argument that you were not paid for this work so this should not be considered work. Your varying representations regarding your employment history and your attempts to reconcile and/or explain away inconsistencies raise issues of your credibility sufficient to conclude that your explanations regarding your work history are not credible.

Additional Comments (as provided in your addendum to your Form I-485)

"I am resubmitting this application for reconsideration since my last application was declined. I have explained everything in this application why the above information was not included in my previous visa application. None of the information that was originally omitted was on purpose and there was never any intent mislead or provide any misinformation. I am providing all information here clearly and have included all information that was originally provided during my USCIS interview. My goal from the beginning of this process was to be upfront and clear about any information from my past affiliations and work history."

USCIS Analysis:

USCIS has determined that you failed to disclose your military service, firearms training, and work history in connection with your non-immigrant visa application and accompanying forms. You also failed to disclose your affiliations and membership in several groups on these forms. You were not credible regarding the extent of your involvement in Basij. Accordingly, by failing to disclose this significant information you were not honest and forthright with the United States government. This constitutes a significant negative factor in the exercise of discretion in this matter.¹⁷ Furthermore, your omissions during the visa process cut off a line of inquiry that could have affected your eligibility for a visa to the United States and more significantly, your omissions and explanations demonstrate a lack of credibility in this matter. USCIS has considered all positive factors in your history and has determined that the significant negative discretionary factors in this matter far outweigh the positives.

To date you have failed to provide any new information that would warrant a departure from the USCIS decision regarding your previous I-485. Accordingly, after careful review of all the facts, USCIS has determined that your application for adjustment of status is denied as a matter of discretion.

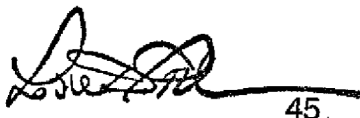
¹⁷ That this information was not disclosed on the forms may also have affected whether the consulate issued the visa.

The evidence of record shows that when you filed your application, your lawful nonimmigrant status had already expired. Therefore, you are not authorized to remain in the United States and should make arrangements to depart as soon as possible. Failure to depart may result in your being found ineligible for immigration benefits and inadmissible to the United States in the future. See section 212(a)(9)(B) of the INA.

You may not appeal this decision. However, if you believe that the denial of your Form I-485 is in error, you may file a motion to reopen or a motion to reconsider using Form I-290B, Notice of Appeal or Motion. You must submit Form I-290B within 30 calendar days of service of this decision (33 days if the decision was mailed). If USCIS does not receive the motion to reopen or reconsider within the required period, this decision will become final. See Title 8, Code of Federal Regulations (8 CFR), sections 103.5 and 103.8(b). Note: You must follow the most current filing instructions for Form I-290B, which can be found at www.uscis.gov.

To access Form I-290B or if you need additional information, please visit the USCIS Web site at www.uscis.gov or call our National Customer Service Center toll free at 1-800-375-5283. You may also contact the USCIS office having jurisdiction over your current place of residence.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie D. Tritten", is written over a horizontal line. To the right of the signature, the number "45" is printed.

Leslie D. Tritten
Field Office Director

cc: Attorney of Record