



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

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

In Re: 20329476

Date: FEB. 09, 2022

Appeal of Vermont Service Center Decision

Form I-485, Application for Adjustment of Status of Alien in U Nonimmigrant Status

The Applicant seeks to become a lawful permanent resident (LPR) under section 245(m) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255(m), based on her “U” nonimmigrant status. The Director of the Vermont Service Center denied the Form I-485, Application for Adjustment of Status of Alien in U Nonimmigrant Status (U adjustment application), and the matter is now before us on appeal. On appeal, the Applicant submits a brief and additional evidence. Upon *de novo* review, we will remand the matter to the Director for the issuance of a new decision.

I. LAW

An applicant for adjustment of status under section 245(m) of the Act must comply with the general eligibility and documentary requirements to adjust status at 8 C.F.R. § 245.5, which requires that the applicant “have a medical examination by a designated civil surgeon, whose report setting forth the findings of the mental and physical condition of the applicant, including compliance with section 212(a)(1)(A)(ii) of the Act, shall be incorporated into the record.” The instructions to Form I-693, Report of Medical Examination and Vaccination Record (medical examination), further state that the civil surgeon must provide the applicant with a completed medical examination record in a sealed envelope to submit to U.S. Citizenship and Immigration Services (USCIS).¹

An applicant must establish that he or she meets each eligibility requirement of the benefit sought by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). The Administrative Appeals Office (AAO) reviews the questions in this matter *de novo*. *Matter of Christo’s Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

II. ANALYSIS

The record reflects that the Applicant, a citizen of Honduras, was granted U-1 status from October 2015 until September 2019, and timely filed the instant U adjustment application in February 2019. The Director denied the application, determining that the Applicant had not complied with 8 C.F.R. §

¹ Instructions for Report of Medical Examination and Vaccination Record, <https://www.uscis.gov/sites/default/files/files/form/i693instr.pdf>.

245.5 because the medical examination was not signed by the interpreter, and certain sections of the I-693 were not completed by the civil surgeon.

On appeal, the Applicant submits a newly executed and sealed medical examination, which has addressed the deficiencies listed in the Director's decision. Because the sole ground for denial of the Applicant's U adjustment application has been overcome on appeal, we remand the matter to the Director to consider whether she has otherwise established eligibility for adjustment of status to that of an LPR under section 245(m) of the Act.

ORDER: The decision of the Director is withdrawn. The matter is remanded to the Director for the issuance of a new decision consistent with the foregoing analysis.