



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

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

In Re: 29609615

Date: Aug. 8, 2023

Service Motion on Administrative Appeals Office Decision

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

The Applicant seeks to become a lawful permanent resident under Immigration and Nationality Act (the Act) section 245(m), 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 to Register Permanent Residence or Adjust Status (U adjustment application), and we summarily dismissed the Applicant’s subsequent appeal. The Applicant submitted a motion to reopen, which we granted, and we then sustained her appeal, concluding that she established on motion that she had been continuously physically present in the United States for a period of three years since her admission as a U nonimmigrant and is eligible for adjustment of status under section 245(m) of the Act on that basis.¹

For procedural reasons, we hereby reopen the proceedings *sua sponte* pursuant to 8 C.F.R. § 103.5(a)(5) and remand the matter to the Director for the purpose of requesting a new Form I-693, Report of Medical Examination and Vaccination Record, which is required to adjust status pursuant to 8 C.F.R. § 245.5, as well as other evidence that may be required.

ORDER: The matter is remanded for the entry of a new decision consistent with the foregoing analysis which, if adverse to the Applicant, shall be certified to us for review.

¹ This determination is not affected by the instant service motion.