



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

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

In Re: 24400931

Date: JAN. 25, 2023

Appeal of Vermont Service Center Decision

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

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 U Nonimmigrant (U adjustment application), and the matter is now before us on appeal. On appeal, the Applicant submits a brief and additional evidence. The Administrative Appeals Office reviews 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.

U.S. Citizenship and Immigration Services may adjust the status of a U nonimmigrant to that of an LPR if, among other eligibility requirements, he has been physically present in the United States for a continuous period of three years since the date of his admission as a U nonimmigrant. Section 245(m)(1)(A) of the Act. To demonstrate continuous physical presence, a U adjustment applicant must provide, in pertinent part, a photocopy of all pages of all passports valid since the date of admission as a U nonimmigrant or, in the alternative, an equivalent travel document or a valid explanation of why he does not have a passport. 8 C.F.R. § 245.24(d)(5). The applicant bears the burden of establishing their eligibility, section 291 of the Act, 8 U.S.C. § 1361, and must do so by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

The Applicant, a citizen of Mexico, was granted U nonimmigrant status from October 2016 to October 2020. She filed the instant U adjustment application in August 2020. The Director denied the application, finding that the Applicant had not complied with the requirements of 8 C.F.R. § 245.24(d)(5) because she did not provide copies of all pages of her expired passport, issued in December 2011 and valid until December 2017 – specifically, pages 22 through 25 of the passport were missing.

On appeal, the Applicant submits copies of all pages of her expired passport; however, while the identification pages are clear, many of the remaining pages are too faint to discern any text or image, including the page number. The Applicant has not indicated why she is unable to provide clearer copies, as previously submitted, or whether she possesses or can access the original document.

Because the Applicant has not demonstrated compliance with the evidentiary requirements for adjustment, she has not established eligibility for adjustment of status to that of an LPR under section 245(m) of the Act.

ORDER: The appeal is dismissed.