



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

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

In Re: 29340297

Date: July 25, 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 based on his “U” nonimmigrant status under Immigration and Nationality Act (the Act) section 245(m), 8 U.S.C. § 1255(m). The Director of the Vermont Service Center denied the Form I-485, Application to Register Permanent Residence or Adjust Status (U adjustment application), on discretionary grounds. The Director also denied the Applicant’s subsequent motion to reopen and motion to reconsider.

Upon de novo review, we sustained the Applicant’s appeal in a 2020 decision, concluding that the favorable equities in this case outweigh the adverse factors. Our determination that the Applicant’s adjustment of status is warranted for humanitarian grounds, family unity, or is otherwise in the public interest, and that he is eligible for adjustment as a matter of discretion, has not changed. 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.

ORDER: The Director’s decision is withdrawn. 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.