



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

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

In Re: 25299411

Date: MAR. 31, 2023

Appeal of Vermont Service Center Decision

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 (Director) 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 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 remand the matter to the Director for the issuance of a new decision.

U.S. Citizenship and Immigration Services may adjust the status of a U nonimmigrant to that of an LPR if, among other eligibility requirements, they have been physically present in the United States for a continuous period of three years since the date of their admission as a U nonimmigrant. Section 245(m)(1)(A) of the Act. As a part of demonstrating 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 her admission as a U nonimmigrant or, in the alternative, an equivalent travel document or a valid explanation of why she does not have a passport. 8 C.F.R. § 245.24(d)(5).

The Applicant, a native and citizen of Mexico, was granted U nonimmigrant status from May 2017 to May 2021. She filed the instant U adjustment application in August 2020. The Director denied the application, concluding that the Applicant had not complied with the requirements of 8 C.F.R. § 245.24(d)(5). Specifically, the Director determined that the Applicant had not provided a legible copy of all pages of her passports valid during her period of U nonimmigrant status, including page 1 of her passport valid from May 2020 to May 2023.

On appeal, the Applicant contends that she previously submitted copies of all pages of her passports valid from May 2013 to May 2016 and May 2020 to May 2023 with her initial filing and in response to the Director’s request for evidence (RFE).<sup>1</sup> She now submits another copy of all pages of her

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<sup>1</sup> A review of the record indicates that the Applicant submitted complete copies of her passports valid from May 2013 to May 2016 and May 2020 and May 2023 with her initial filing. She resubmitted a complete copy of her passport valid from May 2020 to May 2013 in response to the Director’s RFE.

passport valid from May 2020 to May 2023, as well as a statement explaining that she did not have a passport during her period of U status.

In light of the above, we find it appropriate to remand the matter to the Director to evaluate the submitted evidence, as well as new evidence submitted on appeal, and determine whether the Applicant has satisfied the remaining eligibility requirements to adjust her 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.