



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

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

In Re: 20294246

Date: JAN. 31, 2022

Appeal of Vermont Service Center Decision

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

The Applicant seeks lawful permanent residency based on her “T-1” nonimmigrant status as a victim of a severe form of trafficking in persons under section 245(*I*) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255(*I*). The Director of the Vermont Service Center denied the Form I-485, Application for Adjustment of Status of T Nonimmigrant (T adjustment application). The matter is now before us on appeal. The Administrative Appeals Office (AAO) reviews all 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.

I. LAW

An applicant who has been admitted to the United States as a T-1 nonimmigrant may adjust status to that of a lawful permanent resident (LPR) at the discretion of U.S. Citizenship and Immigration Services (USCIS) if, amongst other requirements, he or she has been physically present in the United States for a continuous period of at least three years since the date of admission as a T nonimmigrant (or alternatively, has been physically present in the United States for a continuous period during the investigation or prosecution of acts of trafficking and that, in the opinion of the Attorney General, the investigation or prosecution is complete, whichever period of time is less), he or she has been a person of good moral character during that period, and he or she has complied with any reasonable request for assistance in the investigation or prosecution of trafficking or would suffer extreme hardship involving unusual or severe harm upon removal from the United States. Section 245(*I*)(1) of the Act; 8 C.F.R. § 245.23(a).

As a part of demonstrating continuous physical presence for the requisite period, a T adjustment applicant must submit, in pertinent part, “a photocopy of all pages of all of the applicant’s passports valid during the requisite period (or equivalent travel document or a valid explanation of why the applicant does not have a passport)” 8 C.F.R. § 245.23(e)(2)(i).

A T adjustment applicant is required to demonstrate his or her good moral character “since first being lawfully admitted as a T-1 nonimmigrant and until USCIS completes the adjudication of the application for adjustment of status.” 8 C.F.R. §§ 245.23(a)(5), (g). Claims of good moral character

are evaluated on a case-by-case basis, taking into account section 101(f) of the Act, 8 U.S.C. § 1101(f), and the standards of the community. 8 C.F.R. § 245.23(g).

As evidence of good moral character, a T applicant must submit an affidavit attesting to his or her good moral character, accompanied by a local police clearance or a state-issued criminal background check from each locality or state in the United States in which he or she resided for six months or more during the requisite period of continuous presence or T-1 status. 8 C.F.R. § 245.23(g). Where such clearances or background checks are unavailable, the applicant may include an explanation and submit other evidence with his or her affidavit. *Id.* USCIS will also consider other credible evidence of good moral character, including affidavits from responsible persons who can knowledgeably attest to the applicant's good moral character. *Id.*

II. ANALYSIS

The Applicant is a citizen of the Philippines. The Applicant filed a Form I-914, Application for T Nonimmigrant Status, and USCIS approved the application, granting her T nonimmigrant status from December 2015 until December 2019. In July 2019, the Applicant filed her T adjustment application. The Director denied the application, determining that the record did not contain satisfactory evidence to demonstrate that the Applicant has been physically present in the United States for a continuous period of at least three years since the date of admission as a T nonimmigrant; a person of good moral character since she was admitted as a T nonimmigrant; and complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking or that she would suffer extreme hardship involving unusual or severe harm upon removal from the United States. Specifically, the Director stated that the Applicant did not submit a complete, legible photocopy of her valid passport, a self-affidavit attesting to her good moral character, or sufficient evidence pertaining to her compliance with any reasonable request for assistance in the investigation or prosecution of acts of trafficking or extreme hardship.

On appeal, the Applicant submits a photocopy of all the pages of her valid passport, a self-affidavit attesting to her good moral character, as well as letters from friends attesting to her good moral character. In addition, the Applicant provides documentary evidence that she has contacted the U.S. Department of Justice, Trafficking Prosecution Unit, and that she would suffer extreme hardship if she were removed from the United States.

As the Director was unable to review this evidence and it is material to the issues of eligibility, we will remand the matter to the Director to consider this evidence in the first instance and redetermine whether the Applicant has satisfied the eligibility requirements to adjust her status to that of an LPR under section 245(l) of the Act.

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