



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

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

In Re: 27315345

Date: JUL. 07, 2023

Appeal of Vermont Service Center Decision

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

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 application, concluding that the record did not establish that the Applicant had satisfied the requirements found at 8 C.F.R. § 245.24(d)(5), as she did not provide a photocopy of all pages of all passports valid since her date of admission as a U nonimmigrant, and that the Applicant did not submit a personal statement attesting to her continuous physical presence during her U nonimmigrant status. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review 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 withdraw the Director’s decision and remand the matter for entry of a new decision consistent with the following analysis.

U.S. Citizenship and Immigration Services (USCIS) may adjust the status of a U nonimmigrant “admitted into the United States . . . under section 101(a)(15)(U) [of the Act]” to that of a lawful permanent resident provided that the applicant “has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a [U] nonimmigrant” and otherwise establishes that their “continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.” Section 245(m)(1) of the Act.

To demonstrate continuous physical presence, a U adjustment applicant must provide a photocopy of all pages of all passports valid since the date of their admission as a U nonimmigrant or, in the alternative, an equivalent travel document or a valid explanation of why they do not have a passport, and an affidavit from the applicant attesting to their continuous physical presence for at least 3 years since the date of admission as a U nonimmigrant continuing through the date of the conclusion of adjudication of the application for adjustment of status. 8 C.F.R. § 245.24(a)(1), (d)(5) and (9).

The Applicant, a native and citizen of Mexico, was granted U-1 nonimmigrant status from April 2017 to April 2021. She filed the instant U adjustment application in January 2021. The Director denied the application, finding that the Applicant had not complied with the requirements of 8 C.F.R. § 245.24(d)(5) and (9). Specifically, the Director noted that the record did not contain copies of all pages of all passports valid during the period she held U nonimmigrant status. The Director noted that the copies of the Applicant's passport, valid from May 2020 until May 2026, were missing the inner cover and first page. Further, the Director noted that the Applicant had not provided a personal statement attesting to her continuous physical presence for 3 years, as defined at 8 C.F.R. § 245.24(a)(1).

With her appeal, the Applicant submits the missing pages from her passport, and a personal statement indicating that she has resided in the United States continuously since October 1999 and has not left the United States since that date. As the Applicant has provided the missing pages from her passport and the personal statement regarding her continuous physical presence, we remand the matter to the Director to determine whether this meets the requirements found at 8 C.F.R. § 245.24(d)(5) and (9) and to consider whether she has otherwise established eligibility for adjustment of status to that of an LPR under section 245(m) of the Act.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.