



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

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

In Re: 27413763

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. 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.

USCIS 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. 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 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. 8 C.F.R. § 245.24(d)(5).

The Applicant, a native and citizen of El Salvador, 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). 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, as she had previously submitted the biographic page of a passport, valid from October 16, 2012, to October 16, 2017, bearing passport number [REDACTED] and she did not provide a copy of this passport with her U adjustment application, or in response to the Director’s request for evidence. With her appeal, the Applicant

submits a statement indicating that she lost this passport shortly after she obtained it and is unable to recall what happened to the passport. As the Applicant has provided an affidavit explaining why she is unable to provide a copy of this passport, 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 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.