



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

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

In Re: 21035273

Date: MAR. 7, 2022

Appeal of Vermont Service Center Decision

Form 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 denied the Form I-485, Application for Adjustment of U Nonimmigrant (U adjustment application), and the matter is now before us on appeal. On appeal, the Applicant submits additional evidence. 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 remand the matter to the Director for the issuance of a new decision.

## I. LAW

U.S. Citizenship and Immigration Services may adjust the status of a U nonimmigrant to that of an LPR if, among other eligibility requirements, she has been physically present in the United States for a continuous period of three years since the date of her 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).

## II. ANALYSIS

The Applicant, a native and citizen of Nicaragua, was granted U nonimmigrant status from March 2017 to March 2021. She filed the instant U adjustment application in May 2020. The Director issued a request for evidence (RFE), seeking a complete copy of the Applicant’s Nicaraguan passport valid from February 2012 to February 2022, a copy of her Nicaraguan birth certificate, a valid Form I-693, Report of Medical Examination and Vaccination Record (medical examination), and a statement and evidence of her continuous presence in the United States. In response, the Applicant submitted a copy of pages 2 to 15 and 18 to 48 of her Nicaraguan passport valid from February 2012 to February 2022, a complete copy of her Nicaraguan passport valid from August 2021 to August 2031, a statement and additional evidence of her continuous presence, a copy of her Nicaraguan birth certificate, and a valid medical examination.

The Director subsequently 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 pages 1, 16, and 17 of the Applicant's Nicaraguan passport, valid from February 2012 to February 2022, or an explanation of why she could not submit a complete copy of said passport. With her appeal, the Applicant now submits a complete copy of her Nicaraguan passport valid from February 2012 to February 2022, including the aforementioned missing pages.

As the Applicant has provided new evidence material to the Director's ground for denial, we will remand the matter to the Director to consider this evidence in the first instance and further determine whether the Applicant has satisfied the 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.