



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

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

In Re: 9895082

Date: JULY 21, 2020

Appeal of Vermont Service Center Decision

Form I-485, Application for Adjustment of Status of Alien in U Nonimmigrant 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 derivative “U” nonimmigrant status. The Director of the Vermont Service Center 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. Upon *de novo* review, we will remand the matter to the Director for the issuance of a new decision.

## I. LAW

USCIS may adjust the status of a U nonimmigrant to that of an LPR if, *inter alia*, 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. To demonstrate continuous physical presence, a U adjustment applicant must provide, among other requirements, 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 was granted derivative U nonimmigrant status from October 2014 to September 2018. She filed the instant U adjustment application in October 2018. The Director denied the application, finding that the Applicant had not complied with 8 C.F.R. § 245.24(d)(5) because she did not provide a complete copy of her current passport, valid from October 2017 to October 2027. Specifically, the Director noted that the copy she submitted was missing pages 14 and 15.<sup>1</sup> On appeal, the Applicant submits a complete copy of her current passport, including the previously-missing pages 14 and 15. Because this evidence is directly relevant to the Director’s ground for denial of the Applicant’s U adjustment application, we will remand the matter for further consideration of whether the Applicant

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<sup>1</sup> The Director’s decision did not address, as it pertains to the requirements of 8 C.F.R. § 245.24(d)(5), the time period from when the Applicant was granted derivative U nonimmigrant status in October 2014 to the issuance of her current passport in October 2017.

has satisfied the requirements of 8 C.F.R. § 245.24(d)(5) and otherwise established eligibility for adjustment of 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 for the entry of a new decision consistent with the foregoing analysis.