



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

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

In Re: 9433805

Date: JUNE 30, 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 his “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. On appeal, the Applicant submits additional evidence. Upon *de novo* review, we will remand the matter to the Director for further consideration.

U.S. Citizenship and Immigration Services may adjust the status of a U nonimmigrant to that of an LPR if, *inter alia*, he has been physically present in the United States for a continuous period of three years since the date of his 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 his admission as a U nonimmigrant or, in the alternative, an equivalent travel document or a valid explanation of why he does not have a passport. 8 C.F.R. § 245.24(d)(5).

The Applicant was granted U nonimmigrant status from October 2014 to September 2018. He filed his U adjustment application in July 2018. The Director denied the application, finding that the Applicant had not complied with 8 C.F.R. § 245.24(d)(5) because he did not provide complete copies of all his passports that were valid since the date of his admission as a U nonimmigrant. On appeal, the Applicant submits complete copies of all valid passports he has held while in U nonimmigrant status. By doing so, the Applicant has overcome the sole reason for denial. Therefore, we will remand the record for further consideration of the application, including whether the Applicant warrants favorable exercise of discretion.

ORDER: The decision of the Director is withdrawn.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