



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

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

In Re: 9991435

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 his “U” nonimmigrant status as the victim of qualifying criminal activity. 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*, 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).

II. ANALYSIS

The Applicant was granted derivative U nonimmigrant status from October 2015 to September 2019. He filed the instant U adjustment application in January 2019. The Director denied the application, finding that the Applicant had not complied with 8 C.F.R. § 245.24(d)(5) because, although he submitted a complete copy of his passport valid from August 2009 to August 2015, he did not provide a complete copy of his current passport, valid from July 2018 to July 2028.¹ On appeal, the Applicant submits a complete copy of his current passport. 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 has satisfied the requirements of 8 C.F.R.

¹ 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 2015 to the issuance of his current passport in July 2018.

§ 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.