



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

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

In Re: 33747685

Date: SEP. 05, 2024

Appeal of Vermont Service Center Decision

Form I-485, Application to Register Permanent Residence or Adjust Status (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 his U-3 nonimmigrant status. The Director of the Vermont Service Center denied the Form I-485, Application to Register Permanent Residence or Adjust Status (U Nonimmigrant) and the matter is now before us on appeal. This office reviews the questions in this matter de novo. *See 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.

U.S. Citizenship and Immigration Services (USCIS) may adjust the status of a U nonimmigrant to that of an LPR if, among other requirements, 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 and he establishes that his continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest. Section 245(m) of the Act.

An applicant must provide a photocopy of all pages of all passports that were valid during the three-year period in U status prior to the filing of the U adjustment application, or an equivalent travel document or explanation of why he does not have a passport. 8 C.F.R. § 245.24(d)(5).

An applicant must establish that he meets each eligibility requirement of the benefit sought by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 245.24(b); *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010).

The Applicant, a native and citizen of Mexico, was granted U-3 nonimmigrant status from October 2018, to October 2022, and he timely filed the instant U adjustment application in April 2022. In March 2024, the Director denied the U adjustment application. The Director determined that the Applicant had not complied with 8 C.F.R. § 245.24(d)(5), because he did not provide a photocopy of all pages of his current passport that was valid from March 6, 2019, until March 6, 2029.<sup>1</sup>

---

<sup>1</sup> We note that the Director requested a photocopy of the Applicant's passport valid from March 6, 2019, to March 6, 2029, along with additional evidence in an October 2023 Request for Evidence (RFE). In January 2024, the Applicant responded to the RFE but did not submit a photocopy of all pages of the passport as requested.

On appeal, the Applicant provides a photocopy of all pages of the passport that was valid from March 6, 2019, until March 6, 2029. Although the Applicant claims that he previously provided a complete photocopy of this passport, the record does not support this assertion. Nevertheless, on appeal, the Applicant has complied with the regulatory requirement. *See* 8 C.F.R. § 245.24(d)(5).

Because the Applicant has provided new evidence that the Director has not had the opportunity to review, we will remand the matter to the Director to consider this evidence in the first instance, and further determine whether the Applicant has established that he merits approval of his U adjustment of status application.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded to the Director for the entry of a new decision.