



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

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

In Re: 21035267

Date: APR. 29, 2022

Motion on Administrative Appeals Office Decision

Form I-485, Application for Adjustment of Status of T Nonimmigrant

The Applicant seeks to become a lawful permanent resident (LPR) based on her “T” nonimmigrant status under Immigration and Nationality Act (the Act) section 245(I), 8 U.S.C. § 1255(I). The Director of the Vermont Service Center denied the Form I-485, Application for Adjustment of Status of T Nonimmigrant (T adjustment application), and we dismissed the Applicant’s subsequent appeal, concluding that the Applicant did not establish her good moral character since her admission as a T-1 nonimmigrant. The matter is now before us on a motion to reopen and a motion to reconsider, where the Applicant submits new evidence. The Applicant bears the burden of demonstrating eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Upon review, we will grant the motion to reopen and remand the matter to the Director for the issuance of a new decision. The motion to reconsider is moot.

I. LAW

An applicant who has been admitted to the United States as a T-1 nonimmigrant may adjust status to that of an LPR at the discretion of U.S. Citizenship and Immigration Services (USCIS) if, amongst other requirements, he or she has been a person of good moral character during that period. Section 245(I)(1) of the Act; 8 C.F.R. § 245.23(a).

A T adjustment applicant is required to demonstrate his or her good moral character “since first being lawfully admitted as a T-1 nonimmigrant and until USCIS completes the adjudication of the application for adjustment of status.” 8 C.F.R. §§ 245.23(a)(5), (g). Claims of good moral character are evaluated on a case-by-case basis, taking into account section 101(f) of the Act, 8 U.S.C. § 1101(f), and the standards of the community. 8 C.F.R. § 245.23(g). As evidence of good moral character, a T applicant must submit an affidavit attesting to his or her good moral character, accompanied by a local police clearance or a state-issued criminal background check from each locality or state in the United States in which he or she resided for six months or more during the requisite period of continuous presence or T-1 status. 8 C.F.R. § 245.23(g). Where such clearances or background checks are unavailable, the applicant may include an explanation and submit other evidence with his or her affidavit. *Id.* USCIS will also consider other credible evidence of good moral character, including affidavits from responsible persons who can knowledgeably attest to the applicant’s good moral character. *Id.*

A motion to reopen must state new facts and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

II. ANALYSIS

The Applicant, a native and citizen of Cambodia, entered the United States as a visitor in September 2012. The Applicant was granted T nonimmigrant status from July 2014 to July 2018, and timely filed the instant T adjustment application in December 2017.

The Director denied the T adjustment application, and we dismissed the subsequent appeal, because the Applicant did not submit an affidavit from and signed by herself attesting to her good moral character along with police clearances to support the affidavit.

On motion to reopen, the Applicant submits a statement, whereby she claims good moral character during the requisite period, sufficient to meet 8 C.F.R. § 245.23(g)(1). The Applicant further submits additional criminal background checks from the Federal Bureau of Investigations (FBI) and from the states of Oklahoma and Texas, where she has resided for six months or more, as required. As the Applicant has overcome the Director's sole ground for denial of her T adjustment application, the matter is remanded to the Director to determine whether she meets the remaining eligibility requirements to adjust her status to that of an LPR under section 245(*l*) of the Act.

ORDER: The motion to reopen is granted and the matter is remanded to the Director for the entry of a new decision consistent with the foregoing analysis.