



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

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

In Re: 20346754

Date: FEB. 1, 2022

Appeal of Vermont Service Center Decision

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

The Applicant seeks lawful permanent residency based on her “T-1” nonimmigrant status as a victim of a severe form of trafficking in persons under section 245(l) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255(l). The Director of the Vermont Service Center denied the Form I-485, Application for Adjustment of Status of T Nonimmigrant (T adjustment application). The matter is now before us on appeal. The Administrative Appeals Office (AAO) reviews all questions in this matter *de novo*. *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.

I. LAW

An applicant who has been admitted to the United States as a T-1 nonimmigrant may adjust status to that of a lawful permanent resident (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(l)(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.*

II. ANALYSIS

The Applicant, a native and citizen of Guatemala, entered the United States without inspection in October 2014. The Applicant was granted T nonimmigrant status from March 2016 until March 2020, and timely filed the instant T adjustment application in October 2019.

Through a request for evidence (RFE), the Director acknowledged the Applicant's submission of local police clearances but noted that the Applicant did not submit a self-affidavit attesting to her good moral character as required by the regulations. The Applicant responded to the RFE but did not provide a self-affidavit attesting to her good moral character. The Director subsequently denied the application, concluding that she did not establish that she is a person of good moral character.

With her appeal, the Applicant includes a statement, whereby she claims good moral character during the requisite period, sufficient to meet 8 C.F.R. 245.23(g)(1). 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 decision of the Director is withdrawn. The matter is remanded to the Director for issuance of a new decision consistent with the foregoing analysis.