



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

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

In Re: 02917462

Date: MAR. 15, 2023

Appeal of Vermont Service Center Decision

Form I-485, Application to Adjust Status

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(*I*) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255(*I*). The Director of the Vermont Service Center denied the application because the Applicant did not submit required evidence. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the 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 withdraw the Director’s decision and remand the matter for entry of a new decision consistent with the following analysis.

U.S. Citizenship and Immigration Services (USCIS) may, in its discretion, adjust the status of an individual admitted into the United States as a T-1 nonimmigrant to that of a lawful permanent resident (LPR). Section 245(*I*) of the Act; 8 C.F.R. § 245.23(a). Among other requirements, applicants must submit a photocopy of all pages of their most recent passport and all other passports valid during the required period of their continuous physical presence in T nonimmigrant status. 8 C.F.R. § 245.23(e)(1)-(2); *see also* 8 C.F.R. § 245.23(a)(2) (describing the continuous physical presence requirement). The Director issued a request for evidence (RFE) for copies of all pages of all passports the Applicant had held during her T nonimmigrant status. As the Director indicated in the denial, the Applicant replied to the RFE with copies of the biographic pages of two passports but did not include copies of all pages of those passports, as required. On appeal, the Applicant states that her failure to submit full copies of her passports was due to a clerical error by her attorney’s office. She submits affidavits from counsel and the paralegal who prepared her RFE response, stating that the full copies were originally included in the RFE response packet but the paralegal mistakenly removed them prior to submission. The Applicant also provides copies of all pages of her passports on appeal.

Upon review, the Applicant has provided new evidence that the Director has not had the opportunity to review. As such, we will remand the matter to the Director to consider this evidence in the first instance, and further determine whether the Applicant has satisfied the remaining eligibility requirements to adjust her status to that of an LPR under section 245(*I*) of the Act.

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