



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

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

In Re: 32577080

Date: NOV. 21, 2024

Appeal of Vermont Service Center Decision

Form I-485, Application to Register Permanent Residence or Adjust Status

The Applicant seeks to become a lawful permanent resident (LPR) 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, concluding that the record did not establish the Applicant remained in T nonimmigrant status at the time she applied for adjustment of status. The matter is now before us on appeal pursuant to 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 LPR. Section 245(*I*) of the Act; 8 C.F.R. § 245.23(a). Amongst other requirements, applicants must continue to hold T nonimmigrant status at the time of filing the T adjustment application. 8 C.F.R. § 245.23(a)(3).

The Applicant was granted T-1 nonimmigrant status through an approved Form I-914, Application for T Nonimmigrant Status, from September 7, 2017, until September 7, 2021. She subsequently filed her T adjustment application based on this status and the Vermont Service Center date stamped the T adjustment application as received on September 8, 2021. Accordingly, the Director denied the T adjustment application, finding the Applicant no longer held T nonimmigrant status at the time she filed her T adjustment application.

On appeal, the Applicant asserts she filed her adjustment application prior to the expiration of her T nonimmigrant status, as the T adjustment application was delivered to USCIS on September 7, 2021. The Applicant submitted a copy of the relevant United States Postal Service tracking information that corroborates this assertion, indicating her T adjustment application package was delivered at 2:15 p.m. on September 7, 2021. USCIS considers applications received as of the actual date of receipt at the

location designated for filing. 8 C.F.R. § 103.2(a)(7)(i). Here, the Applicant has established her T adjustment application was received prior to the expiration of her T nonimmigrant status, despite the date her T adjustment application was marked as received. Accordingly, the Applicant has demonstrated she was in T nonimmigrant status when she filed her T adjustment application, as required under 8 C.F.R. § 245.23(a)(3). As the Applicant has overcome the sole basis of the Director's denial, we withdraw the Director's determination and remand the matter to the Director to determine whether the Applicant has satisfied the remaining eligibility requirements to adjust her status to that of an LPR under section 245(*l*) 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.