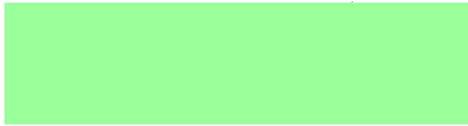


(b)(6)

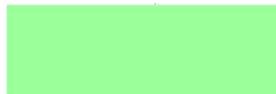
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave. N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



Date: **FEB 14 2013** Office: VERMONT SERVICE CENTER



IN RE: Applicant: 

APPLICATION: Application to Adjust Status (Form I-485) for an Alien in U Nonimmigrant Status Pursuant to Section 245(m) of the Immigration and Nationality Act, 8 U.S.C. § 1255(m)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630, or a request for a fee waiver. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

Page 2

**DISCUSSION:** The Director of the Vermont Service Center (the director), denied the Application to Adjust Status (Form I-485), and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed. The application will remain denied.

The applicant, who was granted U-1 nonimmigrant status, seeks to adjust her status under section 245(m)(1) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255(m)(1).

The director denied the application because the applicant, who was in valid U-1 nonimmigrant status from November 15, 2006 until November 14, 2010, did not continue to hold such status when she submitted the Form I-485 to U.S. Citizenship and Immigration Services on June 27, 2011.

On appeal, the applicant's prior counsel submitted a Notice of Appeal (Form I-290B), indicating that a brief or other evidence would be submitted within 30 days, or by February 12, 2012. As of this date, the record contains no brief or supplemental evidence.<sup>1</sup>

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides for the summary dismissal of an appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. On the Form I-290B, the applicant states: "I have suffered extreme financial and emotional hardship during the last two years, which has made it impossible for me to address my immigration problems." The applicant's statement fails to demonstrate that the director made an erroneous conclusion of law or statement of fact in his denial decision, and she has failed to submit any additional evidence for the AAO to consider.

In these proceedings, the burden of proving eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 245.24(b),(d). Here, that burden has not been met as to the applicant's eligibility to adjust status under section 245(m)(1) of the Act.

**ORDER:** The appeal is summarily dismissed. The application remains denied.

---

<sup>1</sup> The applicant's prior counsel withdrew his appearance as the attorney of record on January 30, 2012.