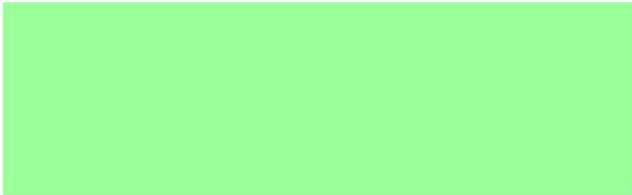




U.S. Citizenship
and Immigration
Services

(b)(6)



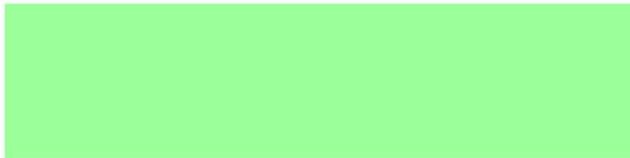
Date: **FEB 14 2013** Office: VERMONT SERVICE CENTER

FILE:

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:



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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office



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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 failed to submit a Report of Medical Examination and Vaccination Record (Form I-693), as required by the regulation at 8 C.F.R. § 245.5. On appeal, the applicant's counsel requests the issuance of a second Request for Evidence (RFE) so that the applicant may submit the Form I-693.

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. Counsel 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. Accordingly, the appeal must be summarily dismissed.

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.