

January 19, 2024

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Benefits Center
P.O. Box 648004
Lee's Summit, MO 64002



U.S. Citizenship
and Immigration
Services

[REDACTED]
[REDACTED]
[REDACTED]



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

NOTICE OF DECISION

Dear [REDACTED]:

On March 27, 2023, you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services (USCIS).

After a thorough review of your application and the record of evidence, we must inform you that we are denying your application.

To qualify for adjustment under section 245 of the Immigration and Nationality Act (INA), an applicant must:

- Be inspected and admitted or paroled into the United States;
- Be eligible to receive an immigrant visa;
- Be admissible to the United States for permanent residence; and
- Have an immigrant visa immediately available at the time the application is filed.

You must demonstrate that you are eligible to adjust status to a lawful permanent resident (LPR). See Title 8, Code of Federal Regulations (8 CFR), section 245.1.

Statement of Facts and Analysis, Including Reason(s) for Denial

You filed Form I-485 based on being the beneficiary of an immigrant petition.

On August 31, 2023, USCIS issued a Request for Evidence (RFE) advising you that the evidence supporting the application was insufficient to establish your eligibility for adjustment at the time you filed the application. The RFE required you submit:

- A properly completed and signed Form I-864, Affidavit of Support, from the petitioning sponsor listed on Form I-130 or Form I-129F with all pages present and of the latest edition date and a copy of the petitioning sponsor's



Federal income tax return for the most recent tax year with all supporting tax documents.

- A properly completed and signed Form I-864 of the latest edition date from a qualifying joint sponsor with all pages present and all required documentation. For a sponsor to qualify based on the value of assets, submit evidence of assets that meet the requirements.
- A completed Form I-693, Report of Immigration Medical Examination and Vaccination Record.

On September 19, 2023, you responded to the Request for Evidence. You submitted:

- A properly completed and signed Form I-864, Affidavit of Support, from the petitioning sponsor listed on Form I-130 or Form I-129F with all pages present and of the latest edition date and a copy of the petitioning sponsor's 2022 W-2s.
- A completed Form I-693, Report of Immigration Medical Examination and Vaccination Record.

After reviewing the evidence, USCIS has concluded that you are not eligible to adjust status because you failed to submit:

- A complete Federal Income Tax Return submitted to the Internal Revenue Service (IRS) from the petitioning sponsor for the most recent tax year.

You have not established that you are eligible for adjustment under INA 245. Therefore, USCIS must deny your Form I-485. See 8 CFR, sections 103.2(b)(11) and (12).

Since this Form I-485 has been denied, the condition upon which your Employment Authorization document and/or Advance Parole document was based, no longer exists. Therefore, USCIS has determined that any pending Application for Employment Authorization, Form I-765, and/or Application for Travel Document, Form I-131, related to the Form I-485 are also denied.

Any unexpired Employment Authorization document based upon this Form I-485 is revoked as of 18 days from the date of this notice pursuant to 8 CFR 274a.14(b)(2), unless you submit, within 18 days, proof that your Form I-485 remains pending. The decision shall be final and no appeal shall lie from the decision to revoke the authorization. Any unexpired Advance Parole document based upon this Form I-485 is terminated as of the date of this notice pursuant to 8 CFR 212.5(e)(2)(i). Any unexpired Employment Authorization document and/or Advance Parole document based upon this Form I-485 should be returned to the local USCIS office.

You may not appeal this decision. However, if you are issued a Notice to Appear, you will have an opportunity to renew your application for adjustment of status and/or to request any other relief that may be available in removal proceedings before an Immigration Judge. See Title 8, Code of Federal Regulations (8 CFR), section 245.2(a)(5)(ii). Furthermore, this decision is without prejudice to future applications filed with the appropriate USCIS office.

If you believe that the denial of your Form I-485 is in error, you may file a motion to reopen or a motion to reconsider using Form I-290B, Notice of Appeal or Motion. You must submit Form I-290B within 30 days from the date of this notice (33 days if this notice was received by mail). If USCIS does not receive the motion to reopen or reconsider within the required period, this decision will become final.

To access Form I-290B or if you need additional information, please visit the USCIS Web site at www.uscis.gov. For questions about your application, you can use our many online tools (uscis.gov/tools) including our virtual assistant,

Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting uscis.gov/contactcenter.

The motion shall be filed on Form I-290B, together with the current fee and mailed to:

USCIS
Attn: AOS
P.O. Box 805887
Chicago, IL 60680

The evidence of record shows that, when you filed your application, you were present in the United States contrary to law.

You are not authorized to remain in the United States. If you do not intend to file a motion or appeal on this decision and fail to depart the United States within 33 days of the date of this letter, USCIS may issue you a Notice to Appear and commence removal proceedings against you with the immigration court. This may result in your being removed from the United States and found ineligible for a future visa or other U.S. immigration benefit. See sections 237(a) and 212(a)(9)(B) of the INA.

To review information regarding your period of authorized stay, check travel compliance, or find information on how to validate your departure from the United States with Customs and Border Protection (CBP), please see (<https://i94.cbp.dhs.gov/i94/#/home>).

Sincerely,



Terri A. Robinson
Director
Officer: LA0524

