



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

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

In Re: 20450209

Date: FEB. 2, 2022

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification as a victim of qualifying criminal activity at sections 101(a)(15)(U) and 214(p) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The Director of the Vermont Service Center denied the Petitioner’s Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that she did not establish her admissibility, as required. The Director likewise denied the Petitioner’s corresponding Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), finding that the Petitioner was inadmissible to the United States and the evidence did not support a favorable exercise of discretion to waive her grounds of inadmissibility. The denial of the Petitioner’s U petition is now before us on appeal. On appeal, the Petitioner submits a brief and additional evidence. The Administrative Appeals Office reviews the questions in this matter *de novo*. *Matter of Christof's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

I. LAW

U.S. Citizenship and Immigration Services determines whether a petitioner is inadmissible—and, if so, on what grounds—when adjudicating a U petition, and has the authority to waive certain grounds of inadmissibility as a matter of discretion. Section 212(d)(14) of the Act, 8 U.S.C. § 1182(d)(14). A petitioner bears the burden of establishing that they are admissible to the United States or that any applicable ground of inadmissibility has been waived. 8 C.F.R. § 214.1(a)(3)(i). To meet this burden, a petitioner must file a waiver application in conjunction with the U petition, requesting waiver of any grounds of inadmissibility. 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv). The denial of a waiver application is not appealable. 8 C.F.R. § 212.17(b)(3). Although we do not have jurisdiction to review the Director’s discretionary denial of the waiver application, we may consider in our review of the U petition denial whether the Director’s underlying determination of inadmissibility was correct.

II. ANALYSIS

The Petitioner acknowledges entering the United States without inspection, authorization, or parole in February 1990. Records further indicate that the Applicant was arrested in [] 1994 on charges of inflicting corporal injury on a spouse/cohabitant. The Petitioner filed her U petition in January 2016, with a Supplement B signed and certified by a special prosecutions bureau chief of the []

States Attorney Office in [REDACTED], Illinois certifying that the Petitioner was the victim of aggravated robbery with a firearm in [REDACTED] 2014. In June 2021, the Director denied the U petition, concluding that since her waiver application had been denied as a matter of discretion, and she was not admissible, the petition could not be approved. In denying the petition, the Director identified the Petitioner's inadmissibility under section 212(a)(6)(A)(i) (present in the United States without being admitted or paroled) of the Act.

On appeal, the Petitioner, through counsel, requests reconsideration of the Director's decision and provides a copy of a police report and related criminal conviction documents.¹ The Petitioner does not, however, contest the ground of inadmissibility determined to be applicable by the Director or otherwise argue that the Director erred in finding her inadmissible to the United States. As stated above, our review on appeal is limited to whether the Petitioner is in fact inadmissible to the United States and, if so, on what grounds. Because the Petitioner does not contest the stated ground of inadmissibility or otherwise assert that the Director erred in finding her inadmissible to the United States on this ground, we must dismiss the appeal. Accordingly, the Petitioner is ineligible for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

ORDER: The appeal is dismissed.

¹ We note that the police report and related conviction documents do not pertain to her [REDACTED] 1994 arrest, and instead pertain to an incident in [REDACTED] 1997.