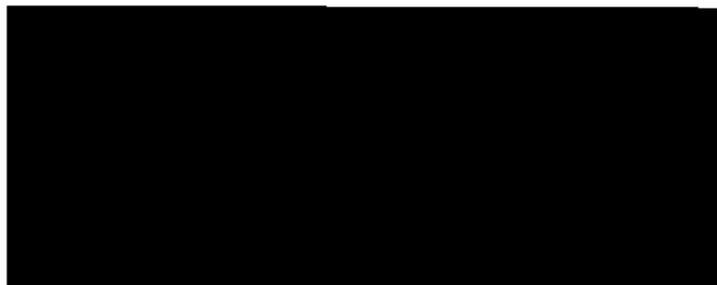


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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



D14

Date: **AUG 09 2012** Office: VERMONT SERVICE CENTER FILE:

IN RE: PETITIONER:

PETITION: Petition for U Nonimmigrant Classification as a Victim of a Qualifying Crime Pursuant to Section 101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)

ON BEHALF OF PETITIONER:



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,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center (the director), denied the Petition for U Nonimmigrant Status (Form I-918 U petition) and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

On July 22, 2011, the director found that the petitioner is not admissible to the United States and his Application for Advance Permission to Enter as Nonimmigrant (Form I-192) was denied. The director denied the Form I-918 U petition accordingly. The petitioner filed a joint motion to reconsider both the Form I-918 U petition and the Form I-192. On April 9, 2012, the director issued a decision on both the Form I-918 U petition and the Form I-192, again finding that the petitioner is not admissible to the United States and does not warrant a favorable exercise of discretion. The director affirmed the decisions to deny the Form I-918 U petition and Form I-192.

The record reflects that, on May 11, 2012, the petitioner, through counsel, filed a Notice of Appeal (Form I-290B) and a brief.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states in pertinent part:

Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

On appeal, counsel does not address or dispute the director's determination that the petitioner is inadmissible to the United States or the director's reasons for denying the Form I-918 U petition. Instead, counsel solely addresses the director's reasons for denying the Form I-192, asserting that the petitioner merits a favorable exercise of discretion to waive the petitioner's grounds of inadmissibility. The regulation at 8 C.F.R. § 212.17(b)(3) provides that there is no appeal of a decision to deny a Form I-192 waiver and the AAO does not have jurisdiction to review whether the director properly denied the Form I-192 waiver application. Counsel fails to identify either on the Form I-290B or through submission of a brief or evidence any erroneous conclusion of law or statement of fact made by the director. The petitioner's appeal must therefore be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is summarily dismissed.