

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

(b)(6)



Date: **APR 30 2015** 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:

SELF REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center (the director), denied the U nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks nonimmigrant classification under section 101(a)(15)(U) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(U), as an alien victim of certain qualifying criminal activity.

The director denied the Form I-918 Petition for U Nonimmigrant Status (Form I-918 U petition) because the petitioner was inadmissible to the United States and his Application for Advance Permission to Enter as a Nonimmigrant (Form I-192 waiver) had been denied.¹ On appeal, the petitioner does not contest his inadmissibility on the stated ground, and instead, states that the director neglected to consider all of the evidence in the record and that errors existed in the decision.

On the Form I-290B, Notice of Appeal, the petitioner indicated that he would submit a brief or additional evidence to us within 30 days of filing, or by December 14, 2014. To date, we have received no further brief or evidence from the petitioner.

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.

The petitioner's statement accompanying the Form I-290B states that he disagrees with the decision, the decision does not consider all of the evidence in the record, and that he has additional evidence to show that the decision is incorrect.² This statement does not specifically identify what information or conclusion the petitioner disagrees with or what evidence he feels was not considered by the director, and we have received no further evidence or brief in support of the appeal. Accordingly, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed. The petition remains denied.

¹ The director initially issued a decision on October 10, 2014. The decision was re-issued on December 11, 2014 to correct an error made in the previous decision. We accept the petitioner's Form I-290B as a timely appeal of the December 11, 2014 decision.

² The regulation at 8 C.F.R. § 212.17(b)(3) states in pertinent part: "There is no appeal of a decision to deny a waiver." As we do not have jurisdiction to review whether the director properly denied the Form I-192 application, we do not consider whether approval of the Form I-192 application should have been granted. The only issue before us would be whether the director was correct in finding the petitioner to be inadmissible and, therefore, requiring an approved Form I-192 application pursuant to 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv).