



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: APR 30 2015

FILE #: [REDACTED]

PETITION RECEIPT #: [REDACTED]

IN RE:

PETITIONER:
BENEFICIARY: [REDACTED]

PETITION:

Petition for a Qualifying Family Member of a U-1 Recipient Pursuant to Section 101(a)(15)(U)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)(ii)

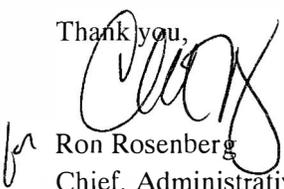
ON BEHALF OF THE PETITIONER:

[REDACTED]

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,


for Ron Rosenberg

Chief, Administrative Appeals Office

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

The petitioner seeks nonimmigrant classification of the beneficiary under section 101(a)(15)(U)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(U)(ii), as a qualifying family member of a U nonimmigrant. The director approved the petitioner's I-918 U petition, but denied the Form I-918 Supplement A, finding that the beneficiary was inadmissible and his Form I-192 waiver of inadmissibility had been denied.

The petitioner filed the Form I-290B, Notice of Appeal (Form I-290B) on September 9, 2014. Part 4 of the Form I-290B requires submission of a statement describing the basis for the appeal; however, the petitioner submitted only a letter from counsel stating that the petitioner wished to appeal the director's decision. In Part 3, Section 1, the petitioner checked option "b" indicating that a brief and/or additional evidence would be submitted to the AAO within 30 calendar days of filing the appeal notice, or by October 9, 2014. To date we have received no further submissions indicating why the petitioner believes the director's decision was erroneous.

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 has not identified any specific, erroneous conclusion of law or statement of fact in the director's decision. Consequently, the appeal must be summarily dismissed.¹

In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.

¹ 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 the AAO does 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, therefore requiring an approved Form I-192 application pursuant to 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv). Here, the petitioner indicated on the Form I-918A that the beneficiary entered the United States without inspection, admission, or parole by an immigration officer. He is therefore inadmissible under section 212(a)(6)(A)(i) of the Act, and requires a waiver of his inadmissibility to establish eligibility for the benefit sought. As the petitioner has made no argument on appeal, we will not further assess the director's decision.