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



U.S. Citizenship
and Immigration
Services

Date:

FEB 12 2015

Office: VERMONT SERVICE CENTER

File:

IN RE:

PETITIONER:

PETITION:

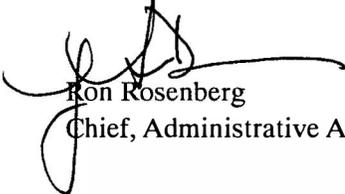
Petition for U Nonimmigrant Classification as a Victim of a Qualifying Crime Pursuant to Section 101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)

ON BEHALF OF PETITIONER:

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,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Acting 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 petition will remain denied.

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 petition on May 6, 2014, because although the petitioner meets the criteria for U-1 nonimmigrant status at section 101(a)(15)(U)(i) of the Act, he is inadmissible to the United States and his Form I-192, Advance Permission to Enter as a Nonimmigrant has been denied. On appeal, the petitioner contends that the Form I-918 U petition should be remanded to the director because a new Form I-192 has been filed.

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.

We do not have jurisdiction to review whether the director properly denied the Form I-192 application. See 8 C.F.R. § 212.17(b)(3) (“There is no appeal of a decision to deny a waiver.”). The only issue before us is whether the director correctly found that the petitioner is inadmissible and, therefore, requires an approved Form I-192 application pursuant to 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv). In this case, the petitioner does not contest his inadmissibility. Because the petitioner has failed to identify any specific erroneous conclusion of law or statement of fact in the director’s decision denying his Form I-918 U petition, the appeal must be summarily dismissed.¹

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

¹ The record indicates that the petitioner has filed two new Form I-192 applications [REDACTED], and that on July 22, 2013, he filed a new Form I-918 U petition with an accompanying Form I-192 which remains pending before the Vermont Service Center [REDACTED].