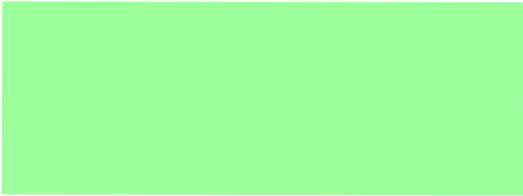


(b)(6)

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



Date: **MAR 17 2015** Office: VERMONT SERVICE CENTER FILE: 

IN RE: PETITIONER: 

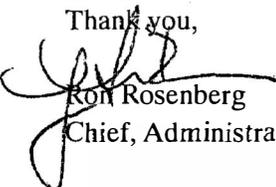
PETITION: Petition for U Nonimmigrant Classification as a Victim of a Qualifying Crime Pursuant to Section 101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)

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. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,  
  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Acting 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 and 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 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. The petitioner timely appealed the denial of the Form I-918 U petition.

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 did not receive notice of the denial of his Form I-192 waiver and was thus not afforded the opportunity to file a timely motion to reopen or reconsider.<sup>1</sup> The petitioner failed to identify any specific erroneous conclusion of law or statement of fact in the director's decision. Accordingly, the appeal must be summarily dismissed

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

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<sup>1</sup> The petitioner filed a Form I-192 waiver on September 20, 2012 in conjunction with his Form I-918 U petition, which was denied on April 10, 2014. The petitioner filed a motion to reconsider the denial of the Form I-192 waiver on June 9, 2014. The director granted the motion on December 4, 2014, but the waiver remained denied. The petitioner filed a second motion to reconsider the decision on the Form I-192 waiver on January 5, 2015, which is currently pending before the director. It is unclear from this procedural history how the petitioner was prejudiced by any delayed notice of the denial of his Form I-192 waiver as the director granted his motion to reopen and issued a new decision, considering all evidence in the record, again denying the Form I-192 waiver. The petitioner will again have an opportunity to have the director reconsider the denial of the Form I-192 waiver through the timely filed motion to reconsider currently pending before the director.

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 and, therefore, requiring an approved Form I-192 application pursuant to 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv).