



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF S-I-S-

DATE: SEPT. 2, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-918, PETITION FOR U NONIMMIGRANT STATUS

The Petitioner seeks nonimmigrant classification as a victim of certain qualifying criminal activity. *See* section 101(a)(15)(U) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(U). The Director, Vermont Service Center, denied the petition. The matter is now before us on appeal. The appeal will be dismissed.

The Director denied the Form I-918, Petition for U Nonimmigrant Status, because the Petitioner was inadmissible to the United States and her Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, was denied. On appeal, the Petitioner does not contest her inadmissibility on the stated grounds. Instead, she submits a brief and additional evidence to support her assertion that the Director should favorably exercise discretion and approve her Form I-192 waiver application.

### I. FACTS AND PROCEDURAL HISTORY

The Petitioner claims to have entered the United States in September 2001 without inspection, admission, or parole. She filed her Form I-918 on November 27, 2012. On the same date, she filed a Form I-192. The Director denied the Form I-192, finding that the Petitioner was inadmissible under sections 212(a)(2)(A)(i)(I) (conviction or commission of a crime involving moral turpitude), 212(a)(6)(A)(i) (present without admission or parole), 212(a)(6)(C)(i) (fraud or willful misrepresentation), 212(a)(6)(C)(ii) (false claim to U.S. citizenship), 212(a)(9)(A)(i) (arriving alien previously removed), 212(a)(9)(A)(ii) (alien previously removed), 212(a)(9)(B)(i)(ii) (unlawfully present for one year or more), 212(a)(9)(C)(i)(I) (attempting to enter after being unlawfully present for more than one year), and 212(a)(9)(C)(i)(II) (attempting to enter after having been ordered removed).

After reviewing the evidence, the Director found that the Petitioner had not demonstrated that she warranted a favorable exercise of discretion. Based on the Petitioner's inadmissibility and the denial of her Form I-192 waiver application, the Director also denied the Petitioner's Form I-918.

## II. APPLICABLE LAW

Section 101(a)(15)(U)(i) of the Act provides for U nonimmigrant classification to alien victims of certain criminal activity who assist government officials in investigating or prosecuting such criminal activity. Section 212(d)(14) of the Act requires U.S. Citizenship and Immigration Services (USCIS) to determine whether any grounds of inadmissibility exist when adjudicating a Form I-918 and provides USCIS with the authority to waive certain grounds of inadmissibility as a matter of discretion. The Petitioner bears the burden of establishing that she is admissible to the United States or that any grounds of inadmissibility have been waived. 8 C.F.R. § 214.1(a)(3)(i).

An inadmissible foreign national who seeks U nonimmigrant status must file a Form I-192 waiver application in conjunction with a Form I-918 in order to waive any ground of inadmissibility. 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv). 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.” Therefore, we do not have jurisdiction to review whether the Director properly denied the Form I-192. We can only determine whether the Director was correct in finding the Petitioner inadmissible to the United States and requiring an approved Form I-192 pursuant to 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv).

## III. ANALYSIS

We conduct appellate review on a *de novo* basis. On appeal, the Petitioner does not dispute that she is inadmissible to the United States on the grounds cited in the Director’s denial. Instead, she asserts that the Director’s decision denying her Form I-192 was erroneous and that she merits a favorable exercise of discretion. Accordingly, she contends that her Form I-192 and Form I-918 should be granted. However, we have no jurisdiction to review the denial of a Form I-192 submitted in connection with a Form I-918. 8 C.F.R. § 212.17(b)(3).

## IV. CONCLUSION

As in all visa petition proceedings, the Petitioner bears the burden of proving eligibility for U nonimmigrant status. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4); *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, the Petitioner has not met that burden.

**ORDER:** The appeal is dismissed.

Cite as *Matter of S-I-S*, ID# 14064 (AAO Sept. 2, 2015)