



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

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

MATTER OF S-H-K-

DATE: JAN. 8, 2016

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

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

The Petitioner seeks nonimmigrant classification as a victim of certain qualifying criminal activity. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(U). The Director, Vermont Service Center, denied the petition. We dismissed the Petitioner's subsequent appeal and affirmed our decision in response to the Petitioner's three prior motions to reconsider. The matter is now before us on a fourth motion to reconsider. The motion will be denied.

#### I. APPLICABLE LAW

A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services (USCIS) policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

#### II. RELEVANT FACTS AND PROCEDURAL HISTORY

The Director denied the Form I-918, Petition for U Nonimmigrant Status, because the Petitioner is inadmissible to the United States and her Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, was denied. In our decision on appeal, we found that the Petitioner did not establish that she was admissible to the United States or that her ground of inadmissibility under section 212(a)(2)(A)(i)(I) of the Act, for conviction of a crime involving moral turpitude, was waived. The Petitioner, through counsel, filed three prior motions to reconsider. In our decisions on each prior motion to reconsider, we affirmed our decision that the Petitioner is inadmissible to the United States for having been convicted of a crime involving moral turpitude. Our previous decisions are incorporated herein by reference. In support of her fourth motion to reconsider, the Petitioner submits a brief.

#### III. ANALYSIS

In her brief on motion, the Petitioner, through counsel, reiterates the assertions she made in her previous three motions. She contends that her conviction for grand theft auto, in violation of section 487(d) of the California Penal Code, is not a crime involving moral turpitude. The Petitioner does

*Matter of S-H-K-*

not establish that our decision of March 25, 2013, was based on an incorrect application of law or USCIS policy. She does not support her assertions with pertinent precedent decisions. We considered the Petitioner's similar contentions in our previous decisions upon review of her prior motions to reconsider. The Petitioner does not meet the requirements of a motion to reconsider under 8 C.F.R. § 103.5(a)(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 motion to reconsider is denied.

Cite as *Matter of S-H-K-*, ID# 15449 (AAO Jan. 8, 2016)