

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



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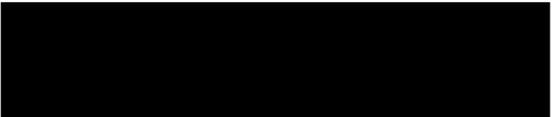
Date: **OCT 18 2012**

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:

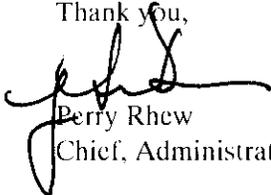


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or motion, with a fee of \$630, or a request for a fee waiver. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,



Perry Rhew
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 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 22, 2012, because although the petitioner meets the criteria for U-1 nonimmigrant status at section 101(a)(15)(U)(i)(I) of the Act, she is inadmissible to the United States and her Form I-192, Advance Permission to Enter as a Nonimmigrant has been denied. On appeal, counsel submitted a Notice of Appeal (Form I-290B), indicating that a brief or other evidence would be submitted within 30 days, or by June 21, 2012.¹ To date, almost four months later, the AAO has received no further brief or evidence from counsel or the petitioner.

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.

On the Form I-290B, counsel stated that the applicant should have been permitted to submit additional evidence from her physician, evidence of her “avoidance of criminal behavior since the arrests and convictions,” and alternate evidence to prove she merits approval of her Form I-192. Counsel stated further that she would explain in more detail the reasons for the appeal.² Counsel, however, failed to identify any specific erroneous conclusion of law or statement of fact in the director’s decision and the AAO has received no further evidence or brief in support of the appeal. Accordingly, the appeal must be summarily dismissed.

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

¹ On July 17, 2012, counsel submitted a letter requesting additional time, until August 2, 2012, to brief the issues. Counsel’s requested deadline of August 2, 2012 has also passed by more than two months as of this date.

² 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, the AAO does not consider whether approval of the Form I-192 application should have been granted. The only issue before the AAO 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).