



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

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

In Re: 15364105

Date: MAR. 31, 2022

Appeal of Vermont Service Center Decision

Form I-914, Application for T Nonimmigrant Status

The Applicant seeks T-1 nonimmigrant classification under sections 101(a)(15)(T) and 214(o) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(T) and 1184(o), as a victim of human trafficking. In part, the Director of the Vermont Service Center denied the Form I-914, Application for T Nonimmigrant Status (T application), concluding that the Applicant did not establish she was a trafficking victim. The Director concurrently denied the Applicant's Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), as a matter of discretion. The Applicant filed a motion to reopen and reconsider the denial of her T application, which the Director subsequently dismissed. The Applicant then filed an appeal to this office. On appeal, the Applicant reasserts her eligibility for T nonimmigrant status. We review the questions in this matter *de novo*. *Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 212(d)(13) of the Act requires U.S. Citizenship and Immigration Services (USCIS) to determine whether any grounds of inadmissibility exist when adjudicating a T application, and provides USCIS with the authority to waive certain grounds of inadmissibility as a matter of discretion. The Applicant bears the burden of establishing that they are admissible to the United States or that any grounds of inadmissibility have been waived. 8 C.F.R. § 214.1(a)(3)(i). Applicants who are inadmissible to the United States must file a waiver application in conjunction with a T application in order to waive any ground of inadmissibility. 8 C.F.R. §§ 212.16, 214.11(d)(2)(iii). There is no appeal of a decision to deny a waiver. 8 C.F.R. § 212.16(c). Although we do not have jurisdiction to review the Director's discretionary denial of the waiver application, we may consider in our review of the T application denial whether the Director's underlying determination of inadmissibility was correct.

In these proceedings, the applicant bears the burden of demonstrating eligibility by a preponderance of the evidence. 8 C.F.R. § 214.11(d)(5); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). An applicant may submit any credible evidence for us to consider in our *de novo* review; however, we determine, in our sole discretion, the evidentiary value to give that evidence. 8 C.F.R. § 214.11(d)(5).

II. ANALYSIS

The Applicant is a native and citizen of Mexico who most recently entered the United States without inspection, admission, or parole in 1990, causing her to be inadmissible under section 212(a)(6)(A)(i) of the Act. In April of 2018, the Applicant filed this T application asserting she was a victim of labor trafficking. The Director denied the T application concluding the Applicant did not establish that she was a victim of a severe form of trafficking. In that decision, the Director also noted that the Applicant was inadmissible to the United States because of the manner she entered the country. The Director further noted that she arranged to have her child brought into the United States without being inspected, admitted, or paroled and this made her ineligible under section 212(a)(6)(E)(i) of the Act for smuggling.

Additionally, the Director noted the Applicant appeared inadmissible under section 212(a)(7)(B)(i)(I) of the Act as a nonimmigrant without a passport valid for a minimum of six months. And finally, the Director indicated that evidence in the record reflected that the Applicant was inadmissible under section 212(a)(2) of the Act based on her conviction record. While in the United States, the Applicant has been arrested eight times for theft or shoplifting. For the five instances for which she provided court dispositions, she was convicted each time. On the same day that the Director denied the Applicant's T application, they also denied her waiver application determining her to be inadmissible on the same grounds and that a waiver of those grounds of inadmissibility was not warranted as a matter of discretion. The Applicant filed a motion to reopen and reconsider the denial of her T application, which the Director subsequently dismissed. The matter is now before us on appeal.

On appeal, the Applicant argues, among other things, that the Director misapplied the law relating to how USCIS should apply its discretion and did not consider the connection between the Applicant's grounds of inadmissibility and her trafficking victimization. The Applicant does not, however, contest any of the grounds of inadmissibility determined to be applicable by the Director or otherwise argue that the Director erred in finding her inadmissible to the United States. As stated above, our review on appeal is limited to whether the Applicant is in fact inadmissible to the United States and, if so, on what grounds. Because the Applicant does not contest the stated grounds of inadmissibility or otherwise assert that the Director erred in finding her inadmissible to the United States on these grounds, she remains ineligible for T nonimmigrant classification, and we must dismiss the appeal.

ORDER: The appeal is dismissed.