



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

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

In Re: 24066817

Date: JAN. 24, 2023

Appeal of Vermont Service Center Decision

Form I-914, Application for T Nonimmigrant Status

The Applicant seeks T-1 nonimmigrant classification as a victim of human trafficking 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). The Director of the Vermont Service Center denied the Applicant's Form I-914, Application for T Nonimmigrant Status (T application), concluding that she did not establish her admissibility, as required. The Director likewise denied the Applicant's corresponding Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), finding that a favorable exercise of discretion was not warranted. The matter is now before us on appeal. 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.

U.S. Citizenship and Immigration Services (USCIS) determines whether a nonimmigrant is inadmissible-and, if so, on what grounds-when adjudicating a T application, and has the authority to waive certain grounds of inadmissibility if considered to be in the national interest to do so and as a matter of discretion. Section 212(d)(13)(A) and (B) of the Act, 8 U.S.C. § 1182(d)(13)(A) and (B). To meet this burden, applicants who are inadmissible must file a Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), in conjunction with the T application, requesting waiver of any applicable grounds of inadmissibility. 8 C.F.R. §§ 212.16 and 214.11(d)(2)(iii).¹ The denial of a waiver application is not appealable. 8 C.F.R. § 212.16(c).

The Director denied the waiver application, finding that the Applicant was inadmissible under multiple sections of the Act: 212(a)(6)(A)(i) (present in the United States without being admitted or paroled), 212(a)(2)(A)(i)(I) (conviction of a crime involving moral turpitude), 212(a)(2)(A)(i)(II) (controlled substance conviction), 212(a)(2)(C)(i) (suspected or convicted controlled substance trafficker), 212(a)(2)(D)(i) (alien who is coming to the United States solely, principally, or incidentally to engage in prostitution, or who has engaged in prostitution within 10 years of the date of application for a visa, admission, or adjustment of status), 212(a)(2)(H)(i) (significant traffickers in person), and 212(a)(2)(I) (money laundering),² and concluding that the

¹ See also Form I-192, Instructions for Application for Advance Permission to Enter as a Nonimmigrant, at 1, available at <https://www.uscis.gov>

² The Director also noted that that Applicant "may" also be inadmissible for "health related grounds" based on documentation which indicated that "you [the Applicant] have had suicidal thoughts and drug addiction."

positive and mitigating equities present in her case did not outweigh the adverse factors such that she warranted a waiver of the applicable grounds as a matter of discretion. The Director denied the T application, concluding that because the Applicant's waiver application had been denied, the stated grounds of inadmissibility had not been overcome and she was thus ineligible for the benefit sought.

On appeal, the Applicant maintains that by charging the Applicant with "multiple inapplicable criminal inadmissibility grounds," the discretionary review in her waiver application was affected, thereby impacting the outcome of her T application.³

Irrespective of the Applicant's contention on appeal that the Director erred in finding her inadmissible on certain grounds, the Applicant does not contest on appeal, and the record supports the Director's findings, that she is in fact inadmissible to the United States pursuant to sections 212(a)(6)(A)(i) of the Act, for entering the United States without being admitted or paroled; 212(a)(2)(A)(i)(I), for having been convicted of a crime involve moral turpitude; 212(a)(2)(A)(i)(II), for a controlled substance conviction; and 212(a)(2)(C)(i), for being a suspected or convicted controlled substance trafficker. We do not have jurisdiction to review the discretionary denial of the waiver.

The Applicant has not established that she is admissible to the United States or that the grounds of inadmissibility have been waived, as 8 C.F.R. § 214.1 (a)(3)(i) requires. Accordingly, she is ineligible for T nonimmigrant classification under section 101(a)(15)(T) of the Act.

ORDER: The appeal is dismissed.

³ The Applicant contends on appeal that despite the Director's findings to the contrary, she is not inadmissible under the Act for money laundering crimes, health-related grounds, prostitution violations, and for significant trafficking in persons.