



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

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

In Re: 18967109

Date: MAR. 09, 2022

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification as a victim of qualifying criminal activity at sections 101(a)(15)(U) and 214(p) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The Director of the Vermont Service Center denied the Petitioner’s Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that he did not establish his admissibility, as required. The Director likewise denied the Petitioner’s corresponding Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), to waive the applicable grounds of inadmissibility, finding that a favorable exercise of discretion was not warranted. The denial of the Petitioner’s U petition is now before us on appeal. On appeal, the Petitioner submits a brief and additional evidence. The Administrative Appeals Office reviews 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

U.S. Citizenship and Immigration Services determines whether a petitioner is inadmissible—and, if so, on what grounds—when adjudicating a U petition, and has the authority to waive certain grounds of inadmissibility as a matter of discretion. Section 212(d)(14) of the Act, 8 U.S.C. § 1182(d)(14).

A petitioner bears the burden of establishing that they are admissible to the United States or that any applicable ground of inadmissibility has been waived. 8 C.F.R. § 214.1(a)(3)(i). To meet this burden, a petitioner must file a waiver application in conjunction with the U petition, requesting waiver of any grounds of inadmissibility. 8 C.F.R. §§ 212.17, 214.14(c)(2)(iv). The denial of a waiver application is not appealable. 8 C.F.R. § 212.17(b)(3). Although we do not have jurisdiction to review the Director’s discretionary denial of the waiver application, we may consider whether the Director’s underlying determination of inadmissibility was correct.

## II. ANALYSIS

The Petitioner, a native and citizen of Mexico, acknowledges entering the United States without inspection, authorization, or parole in 1999. The record further reflects that the Petitioner was arrested on several occasions for charges relating to a variety of offenses, including one resulting in convictions

for felony battery under Florida Statutes section 784.041, false name to law enforcement under Florida Statutes section 901.36(1), and driving under the influence (DUI) offenses under Florida Statutes sections 316.193(1) and 316.193(3)(a)(b)(c)(1).

In denying the U petition, the Director concluded that the Petitioner was inadmissible under sections 212(a)(2)(A)(i)(I) (crimes involving moral turpitude) and 212(a)(6)(A)(i) (present in the United States without being admitted or paroled) of the Act and his accompanying waiver application seeking to waive the applicable grounds of inadmissibility had been denied as a matter of discretion.

On appeal, the Petitioner asserts he merits an approval of his waiver application notwithstanding his convictions and unlawful presence. However, he does not contest any of the grounds of inadmissibility determined to be applicable by the Director or otherwise argue that the Director erred in finding him inadmissible to the United States. As previously indicated, our appellate review is limited to whether the Director's inadmissibility determination was correct. We do not have the authority to review the Director's discretionary determination. As the Petitioner does not contest the stated grounds of inadmissibility and has not presented any arguments or evidence that the Director erred in finding him inadmissible to the United States, we must dismiss the appeal.

### III. CONCLUSION

The Petitioner has not established that he is admissible to the United States or that the applicable grounds of inadmissibility have been waived. Accordingly, he is ineligible for nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

**ORDER:** The appeal is dismissed.