



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

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

In Re: 27176748

Date: June 20, 2023

Appeal of Nebraska Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks U nonimmigrant classification under 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. The Director likewise denied his corresponding Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application), as a matter of discretion. The denial of the Petitioner's U petition is now before us on appeal. 8 C.F.R. § 103.3. 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.

To establish eligibility for U nonimmigrant classification, petitioners must establish 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 the 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). U.S. Citizenship and Immigration Services 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). The denial of a waiver is not appealable. 8 C.F.R. § 212.17(b)(3). Although we do not have jurisdiction to review the Director's discretionary denial, we may consider whether the Director's underlying determination of inadmissibility was correct.

The Director determined that the Petitioner was inadmissible under the following sections of the Act:

- 212(a)(6)(A)(i) - Alien present without admission or parole
- 212(a)(6)(C)(i) - Fraud or willful misrepresentation
- 212(a)(7)(A)(i)(I) - Immigrant without immigrant visa
- 212(a)(9)(A)(i) - Alien previously removed as an arriving alien
- 212(a)(9)(A)(ii) - Alien previously removed not as an arriving alien and self-removed following removal order
- 212(a)(2)(B) - Multiple convictions with aggregate sentence of five years
- 212(a)(9)(B)(i)(II) - Non-Legal Permanent Resident (LPR) unlawfully present in U.S. one year or more

212(a)(9)(C)(i)(II) - Previously removed and entered or attempted to enter without being admitted

The Director further determined that the Petitioner did not warrant a waiver of the applicable inadmissibility grounds as a matter of discretion.

On appeal, the Petitioner does not contest the Director's determination of inadmissibility. As stated above, our review on appeal is limited to whether the Petitioner is in fact inadmissible to the United States and, if so, on what grounds. We do not have the authority to review the Director's discretionary determination on his waiver application. As the Petitioner does not contest the stated grounds of inadmissibility, has not presented any arguments or evidence that the Director erred in finding him inadmissible to the United States, and his admissibility has not been waived, he has not overcome the grounds for the Director's dismissal.

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 U nonimmigrant classification.

ORDER: The appeal is dismissed.