



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

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

In Re: 25822608

Date: MAR. 20, 2023

Appeal of Vermont 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 Nebraska Service Center denied the Petitioner's Form I-918, Petition for U Nonimmigrant Status, concluding that she did not establish her admissibility and no Form I-192, Application for Advance Permission to Enter as Nonimmigrant, was filed to waive her inadmissibility. The matter is now before us on appeal. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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.

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 Form I-192 in conjunction with the Form I-918, 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). There is no appeal of a discretionary decision to deny a waiver. 8 C.F.R. § 212.17(b)(3). Although we lack 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 four sections of the Act based on her immigration history. Though requested by the director, the Petitioner did not seek a waiver of the grounds of inadmissibility through the filing of a Form I-192. Noting that the Petitioner was inadmissible and that the applicable the grounds of inadmissibility had not been waived, the Director denied her Form I-918.

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. As the Petitioner does not contest the Director's determination of inadmissibility, has not presented any arguments or evidence that the Director erred in finding her

inadmissible to the United States, and her inadmissibility has not been waived, she has not overcome the grounds for the Director's denial.

The Petitioner has not established that she is admissible to the United States or that the applicable grounds of inadmissibility have been waived. Accordingly, she is ineligible for U nonimmigrant classification.

**ORDER:** The appeal is dismissed.