



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

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

In Re: 25822465

Date: May 24, 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 Vermont Service Center denied the Petitioner's Form I-918, Petition for U Nonimmigrant Status, concluding that he did not establish his admissibility and his corresponding Form I-192, Application for Advance Permission to Enter as Nonimmigrant, to waive his inadmissibility had been denied as a matter of discretion. The matter is now before us on appeal of denial of Petitioner's I-918. 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). 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 section 212(a)(6)(A)(i) of the Act as an alien present without admission or parole. The Petitioner had sought a waiver of this ground of inadmissibility through the filing of a Form I-192. The Director denied the waiver request, however, as a matter of discretion. Noting that the Petitioner's Form I-192 had been denied, the Director then determined that the Petitioner had not established his admissibility, or that the applicable grounds of inadmissibility had been waived and denied his Form I-918.

On appeal, the Petitioner does not contest the Director's determination of inadmissibility, but instead claims error in the discretionary denial of Form I-192. 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 under section 212(a)(6)(A)(i), has not presented any arguments or evidence that the Director erred in finding him inadmissible to the United States, and his inadmissibility has not been waived, he has not overcome the grounds for the Director's dismissal.

ORDER: The appeal is dismissed.