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**UNITED STATES DEPARTMENT OF HOMELAND SECURITY**

**UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**

**VERMONT SERVICE CENTER**

**ST. ALBANS, VERMONT**

| | |
|---|---|
| **In the Matter of** | ) |
| | ) [redacted] |
| [redacted] | ) EAC[redacted] |
| | ) |
| **Petitioner for U Nonimmigrant Status** | ) |
| | ) |

**BRIEF IN SUPPORT OF MOTION TO RECONSIDER**

Ms. _____, through undersigned counsels, respectfully submits this brief in support of this motion to reconsider the denial of her I-192 waiver of inadmissibility and her I-918 Petition for U Nonimmigrant status.

I. INTRODUCTION

On May 13, 2013, _____ submitted an I-918 petition along with an I-918 Supplement A for her daughter [redacted]. On April 17, 2014, the Service placed _____ on the U visa wait list. On May 8, 2015, the Service removed _____ from the U wait list and issued a Notice of Intent to Deny (NOID) _____ U status on the basis that she was inadmissible pursuant to Section 204(c) of

the Immigration and Nationality Act (INA). In response, _____ submitted Form I-192 with an affidavit explaining her previous marriage, other supporting documentation and legal arguments clarifying that INA §204(c) was inapplicable to nonimmigrant visas. The Service then issued another NOID on July 5, 2015, finding _____ inadmissible for fraud/misrepresentation under INA §212(a)(6)(C)(i). _____ submitted a lengthy response to this NOID indicating that the Service misapplied *Matter of Hranka* 16 I&N Dec. 491 (BIA 1978) to her case and even if *Hranka* was applicable, her I-192 application met the *Hranka* standards. On September 12, 2016, the Service issued a denial of the waiver request filed by _____'s daughter, the derivative, and consequently also issued a denial of the derivative's request for U nonimmigrant status referencing that the derivative's case could not be approved because _____'s Form I-192 had been denied on September 1, 2016.[1] The Service did not issue a decision on _____'s case until October 3, 2016, after counsel filed a Notice of Appeal on September 28, 2016. This motion stems from that denial.

A motion to reconsider is proper where the Service's decision was based on improper and incorrect application of the law or USCIS policy and the decision was incorrect given the evidence of record. 8 C.F.R. §103.5(a)(3).

Further, pursuant to 8 C.F.R. §214.17(c), an I-192 denial may not be appealed. However, the regulation also notes that, "nothing in this paragraph is intended to prevent an applicant from re-filing a request for a waiver of ground of inadmissibility in appropriate cases." Therefore, with this Motion to Reconsider, _____ submits a new I-192 application with additional supporting evidence. (*See* **Exhibit 1**, I-192 Application for Advance Permission to

[1] The derivative's denial dated September 12, 2016, as well as the denial on October 3, 2016 makes reference to the principal's case being denied on September 1, 2016. Counsel received no denial with a September 1, 2016 date. The sole denials received by counsel are the September 12, 2016 denial for the derivative and the October 3, 2016 denial for the principal.

Enter as Nonimmigrant).

II. THE DENIAL WRONGLY DETERMINES THAT _____ IS INDAMISSIBLE FOR UNLAWFUL PRESENCE PURSUANT TO INA §212(a)(9)(B)(i)(II)

_____ is not unlawfully present because entering the United States (U.S.) lawfully does not trigger an inadmissibility bar. When _____ applied for U nonimmigrant status in May 2013, she submitted a copy of the I-94 card issued to her upon her lawful entry into the U.S. with a B-2 visa on June 7, 2007 (*see* **Exhibit G** in initial U visa filing now attached as **Exhibit 3**). The Service has long held that U applicants who make a lawful entry into the country need not submit an I-192 to waive unlawful presence. Had _____ departed the U.S. after being physically present in the U.S. for a year or more, she would be barred from re-entering the country under INA §212(a)(9)(B)(i)(II) for previous unlawful presence. _____ has never departed the U.S. since her initial entry in 2007. The Service has misapplied the law as §212(a)(9)(B)(i)(II) of the Act is inapplicable to _____.

III. THE DENIAL FAILS TO CONSIDER THE EVIDENCE SUBMITTED WITH THE NOID RESPONSES

The NOID issued July 5, 2015 requested that _____ submit a statement addressing the *Matter of Hranka* factors regarding (1) Risk of harm to society; (2) The seriousness of the applicant's prior immigration law or criminal violations; and; (3) The reasons for wishing to enter the U.S. (*see* July 5, 2016 NOID, attached at **Exhibit 2**). But for mentioning the evidence _____ submitted with her I-918 petition and summarizing parts of her statement in its denial, the Service fails to discuss why _____'s affidavit and the other evidence in the record was insufficient and simply categorically concludes that because she

entered into a marriage to evade the immigration laws, she is ineligible for a waiver of inadmissibility (*see* USCIS letter of October 3, 2016, attached).

_____ submitted substantial documentary evidence in support of the three *Hranka* factors. Besides her own affidavit, _____ submitted in response to both NOIDs, a letter from her husband, evidence of her husband's medical condition, a letter from her landlord, copy of her 2015 tax returns, evidence of conditions in Grenada and proof of her ongoing training on caring for disabled children. The denial does not cite to a single fact attested to in any of the submitted documentation or arguments. The Board of Immigration Appeals (BIA) has held that when assessing whether an applicant has met the burden that a waiver is warranted in the exercise of discretion, the adjudicator must balance adverse factors evidencing inadmissibility with the social and humane considerations presented by the applicant to determine if granting the waiver appears to be in the best interests of the United States. *Matter of Mendez-Moralez*, 21 I&N Dec. 296 (BIA 1996). As there was no consideration and acknowledgement of the evidence presented by _____ anywhere in the denial, it appears that the adjudicator in denying _____ a waiver of inadmissibility, did not apply the *Hranka* factors, and instead, rejected the evidence submitted with the NOID responses without applying the balancing test as mandated under *Mendez-Moralez*.

In response to both NOIDS, _____ submitted several pieces of substantial evidence to prove that she is not a risk to society to support a positive discretionary waiver determination. This evidence, being resubmitted now along with the applicant's new I-192 application (**Exhibit 1**) and with additional supporting evidence includes:

1. Statement from _____ submitted with Form I-918 (**Exhibit 4**).

2. June 11, 2015 Affidavit of Ms. [redacted] submitted with Form I-192 in response to May 5, 2015 NOID and her July 27, 2016 statement in response to July 5, 2016 NOID (**Exhibit 5**).

3. _____'s marriage certificate (**Exhibit 6**).

4. Two statements from her spouse, _____ (**Exhibit 7**).

5. A letter from _____'s prior landlord (**Exhibit 8**).

6. Two letters from _____'s physician (**Exhibit 9**).

7. Copies of _____'s medical records (**Exhibit 10**).

8. A letter from the pastor at _____'s church (**Exhibit 11**).

9. Certificates issued to _____ for her continued training for working with disabled children (**Exhibit 12**).

10. Copy of _____'s 2015 tax return (**Exhibit 13**).

11. Documents discussing the economic condition in Grenada, the lack of medical facilities and treatment for cancer sufferers and the proliferation of abuse against women (**Exhibit 14**).

The Supreme Court and other federal court have long ruled that where an agency fails to consider all relevant evidence before it, the agency abuses its discretion. *Accardi v. Shaughnessy*, 347 U.S. 260 (1954); *Nadarajah v. Gonzalez*, 443 F.3d 1069 (9th Cir. 2006); *Urban v. INS*, 123 F.3d 644 (7th Cir. 1997); *Rodriguez-Guttierez v. INS* 59 F.3d 504 (5th Cir. 1995); *Blanco v. INS*, 68 F.3d 642 (2nd Cir. 1995). In addition, where an applicant for a waiver has a criminal history, the USCIS may not consider evidence of positive factors in inadmissibility determinations for applicants with records of violent or dangerous crimes, except in extraordinary circumstances. *Matter of Jean*, 23 I&N Dec. 373 (A.G. 2002). However, since the Service did not indicate in its denial that _____ is in this category of applicants, there is no reason for the agency to fail to individually consider and describe why any piece or group of evidence submitted by

_____ is insufficient. The Service's failure to demonstrate how it has exercised discretion in _____'s case is therefore an abuse of discretion.

1. **The denial fails to note how _____ is a threat to society**.

After demanding that _____ prove that she is not a risk to U.S. society, the denial then fails to provide any analysis of why _____'s statements demonstrating that she is law abiding and has committed no crimes is insufficient. The July 5, 2016 NOID indicates from the outset that the factors stated in *Matter of Hranka* will guide the Service's decision. One of those factors is whether the applicant is a risk to society. After listing the *Hranka* factors, the NOID specifically states, "Please provide a statement addressing these criteria as they pertain to your specific circumstances." In response, _____ submitted a detailed affidavit. She has now provided four statements that unequivocally describe that she is not a threat to the country. However, the Service makes no acknowledgement of _____'s lack of criminal history in this country or elsewhere and fails to discuss at all how she is a risk to the U.S.

_____ is a wife and mother. She is also cares for children with special needs. In *Matter of V-M-H-T-*, the Administrative Appeals Office (AAO) reversed the Service's denial of an application for U adjustment of status where the applicant had multiple interactions with the police, multiple DUI convictions and a felony drug conviction even while in U status. *Matter of V-M-H-T-* (AAO, September 28, 2016) (*see* **Exhibit 15**). In its decision, the AAO pointed to the applicant's many positive equities in determining that the Service was wrong to deny the applicant adjustment of status. Likewise in *Matter of C-M-Q-*, the AAO overturned the Service's denial of a U adjustment of status where the applicant had a conviction for statutory rape and theft. Again, the AAO ruled that the applicant's many positive equities, including his

length of residence in the U.S. warranted a positive exercise of discretion. *Matter of C-M-Q-* (AAO, September 23, 2016) (*see* **Exhibit 15**). Unlike the applicants in *V-M-H-T-*, and *C-M-Q-*, _____ has committed no crimes or ever been convicted of committing a crime. She is not a risk to the country. The alleged fraud she was involved in happened years ago. She has articulated remorse for her actions and she has not been involved in any other fraudulent activity. Moreover, she has lived in the U.S. for almost 10 years and has a husband recovering from cancer. If persons with lengthy criminal histories, including those with conviction for rape and DUI, who are arguably risks to society, can be granted adjustment of status, surely, _____ who has no criminal past, whose fraudulent conduct was over five years ago, who is gainfully employed caring for disabled children, and who pays her taxes should merit a favorable grant of discretion.

IV. THE DENIAL FAILED TO PROPERLY WEIGH THE EVIDENCE SUBMITTED WITH THE NOID RESPONSES

a. The denial gives too much weight to one single negative factor.

1. **The denial gives too much weight to _____'s immigration violation**.

_____ has never disputed that she married Mr. [redacted]. She admitted in the affidavit submitted with her I-918 petition that she was previously married to a U.S. citizen and that this spouse had filed an I-130 on her behalf but that her spouse had later withdrawn that petition (*see* _____'s I-918 statement **Exhibit G** in original filing, now at **Exhibit 4**). The affidavit attached to her I-192 application gives more details of her interaction with Mr. [redacted] (*see* **Exhibit 5**). Specifically, _____ explains that when she was interviewed by an Immigration Officer she admitted that she and Mr. [redacted] did not live together and she withdrew her application for adjustment of status. *Id*. She believed at that time that the matter

was closed especially since she received no decision from USCIS concluding that she had engaged in marriage fraud. *Id.* (*see also* **Exhibit 1**). In that statement she also explains that she was motivated to marry Mr. [redacted] because she was in an abusive relationship, on the verge of becoming homeless and her "bills were piling up." To escape her abuser, she needed to work and have means to support herself and daughter, but it was impossible to find employment without having work authorization (*see* **Exhibit 1** statement with I-192, and **Exhibit 5**).

Even where an applicant commits marriage fraud and is placed in removal proceedings, she may obtain a waiver under INA §237(a)(1)(H) notwithstanding INA §204(c) if she is admissible. _____ has never hidden the facts surrounding her marriage to Mr. [redacted] and her admission is itself is an indication that she is honest and trustworthy. She accepts responsibility for her prior actions and feels deep remorse (*see* **Exhibit 5**). She explicitly states, "I am extremely sorry and very upset at myself because now I have put my life and everything that _____ [_____'s current spouse] and I have built together in jeopardy. I cannot even explain the depth of my regret for my early actions." *Id.* (*See also* **Exhibit 1**). Her assertion about her involvement in the fraud does not preclude her "from ever presenting persuasive evidence of rehabilitation by other means." *Matter of Mendez Moralez*, at 304. Indeed, she has engaged in no other fraudulent activity and has a clean criminal record.

As an applicant for U status who was battered, who suffered substantial harm and who provided assistance to law enforcement in prosecuting her attacker, _____ is admissible to the U.S. As noted below, she submitted substantial evidence of positive factors, including contributions to her community that outweigh the seriousness of her offense and permits a favorable grant of discretion for approval of a waiver of inadmissibility (*see* **Exhibits 4 – 14**; **Exhibit 17**, additional country conditions information on Grenada; and **Exhibit 18 -19**;

statements of support). The Service's disregard of these facts is an impermissible abuse of discretion.

2. **The denial does not address _____'s need to remain in the U.S**.

Nowhere in the denial does the Service acknowledge _____'s need to remain in the U.S. At Page 6 of her sworn personal statement attached to her previously submitted Form I-192 _____ states:

> "In March 2014, I married _____, who I met in church. Our marriage is strong. . . Unfortunately, _____ was diagnosed with prostate cancer and in August 2014 he had to have surgery. Recently, he also had eye surgery. Because of my husband's poor health, he is dependent on me to get him to and from his many doctor appointment and to help him in his recovery." (*See* **Exhibit 5**).

In a subsequent statement, she details that although her husband's surgery was successful, he is still under medical care because he has not physically bounced back and he has developed other ailments, such as high blood sugar, which require monitoring of his diet (*see* **Exhibit 5** _____'s July 27, 2016 affidavit in response to July 5, 2016 NOID; *see also* additional statement from _____'s spouse, _____ at **Exhibit 16**). She also submitted medical evidence of her husband's condition including a letter from his doctor indicating that post surgery _____'s condition must be watched closely and advising against him seeking medical care outside the U.S. (*see* **Exhibit 9-10** and **Exhibit 14**). The doctor's advice is prudent as in Grenada, _____'s home country, there is a 49% death rate for men diagnosed with prostate cancer (*see* **Exhibit 14**, Grenada in June 11, 2015 NOID response and Healthcare in Grenada, attached at **Exhibit 17**).

As the denial does not provide details about its conclusions, it is difficult to know if the adjudicator reviewed _____'s compelling reasons for remaining in the U.S. The

denial completely fails to provide any analysis of the probative value of _____'s statements and the medical evidence related to her husband's health. Given that the NOID asked _____ to prove that she met the factors outlined in *Matter of Hranka*, one of which is to provide evidence of her reasons for wishing to remain in the United States, the Service's disregard of the evidence submitted is a violation of law.

b. The denial gives no weight to positive factors.

_____ submitted extensive evidence of positive factors that outweigh the one negative aspect of her life in the U.S. However, as previously noted, the denial does not discuss the content of any of the evidence. It therefore appears that the adjudicating officer believes that the applicant's prior alleged fraud conclusively bars her from eligibility for an I-192 waiver. This failure to consider all of the evidence submitted, and instead to consider only a negative factor, is an abuse of discretion. *Urbina-Osejo v. INS*, 124 F.3d 1314 (9th Cir. 1997).

1. **The denial summarily dismisses evidence of _____'s U.S. Citizen Spouse**.

In response to the NOIDs _____ submitted letters from her current spouse, _____ (*see* **Exhibit 7**). _____ details that he is extremely happy being married to _____ and that he is thankful for her presence because after his cancer diagnosis, ". . . she . . . took part in taking care of me throughout my recovery after the surgery." *Id.* He clearly states that, "_____ is my love and I want her in my life forever." *Id.* In another statement, _____ further explains that after his first wife died he never thought that he'd marry again but after meeting _____ in church and being with her during Bible Study, that he "made the right choice in marrying _____." *Id.* _____ knows _____ to be honest and he worries about his health should he have to go to Grenada with her or how he would support her and himself if he remains

in the U.S. *Id.* (*See also* **Exhibit 16**, additional statement from _____).[2] In addition to the letters submitted by her husband that describe her equities, _____'s own statements describe how her husband has had a tremendously positive affect on her daughter, _____, who previously ran away from home and exhibited behavioral problems (*see* **Exhibit 1** and **5**). The Service's decision of denying _____ a waiver of inadmissibility utterly fails to discuss any of this evidence of _____'s compelling reasons to remain in the United States and why her ties to the U.S. community were insufficient.

In *Matter of Hranka*, the applicant, who had no U.S. spouse, wished to enter the United States for social activities. The BIA considered this reason sufficient for the applicant's eligibility for a favorable discretionary determination. The need to care for a sick spouse cannot be considered less weighty. In *Matter of Mendez Moralez*, at 302, the BIA noted, "The underlying significance of the adverse and favorable factors is also to be taken into account. For example, if the alien has relatives in the United States, the quality of their relationship must be considered in determining the weight to be awarded this equity." *Id.* It is indisputable that a spousal relationship should be accorded the greatest possible weight. *See Salcido-Salcido v. INS*, 138 F.3d 1292 (9th Cir. 1998) (separation from family may be "the most important single factor" when adjudicating waivers); *see also Duchesne v. Sugarman*, 566 F3d. 817 (2nd Cir. 1977) ("We are concerned with the most essential and basic aspect of familial privacy . . . the right of the family to remain together without the coercive interference of the awesome power of the state.")

2. **The denial summarily dismisses other supporting evidence of positive equities**.

As additional evidence of her positive equities, _____ submitted a letter from her Church and a letter from her landlord (*see* **Exhibit 7 and 11**). Her pastor confirms that

[2] *See Urban v. INS*, 123 F.3d 644 (7th Cir. 1997) (Economic hardship can be considered when determining hardship in waiver cases where there is complete inability to find work).

he has known _____ for ten years and that she is a devoted member of the church who serves in the church ministry (*see* **Exhibit 11** and **Exhibit 18**). Similarly, _____'s prior landlord knows her to be a model tenant who is a good mother to her children (*see* **Exhibit 8**. *See also* **Exhibits 19**, other supporting statements on _____'s behalf attesting to her good character). In her own statement, _____ discusses her participation in church life, including being involved in preparing for weekly services and singing in the choir (*see* **Exhibit 1** and **5**). Moreover, for over a year, _____ has been the caretaker for a disabled child. *Id.* In this role, she has received several certificates of completion for ongoing training on how to work with children with special needs (*see* **Exhibit 12***)*. Each of these pieces of evidence corroborates _____'s positive equities. The Service's denial, however, does not address any of this information and why such evidence does not overcome the one negative factor in _____'s past.

V. THE SERVICE'S CONCLUSION THAT _____ IS INELIGLE FOR U STATUS BECAUSE OF MARRIAGE FRAUD MISAPPLIES THE LAW

_____ is not inadmissible for marriage fraud. The marriage fraud prohibition at §204(c) is a non-waivable bar to approval of *immigrant petitions* filed under INA §204. The BIA and the courts have repeatedly held that INA §204(c) only applies to immigrant visa petitions. In *Matter of Tawfik*, the BIA ruled that "Section 204(c) of the Act, 8 U.S.C. § 1154(c) (1988), prohibits the approval of a visa petition filed on behalf of an alien who has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws. Accordingly, the district director must deny any subsequent visa petition *for immigrant classification* filed on behalf of such alien, regardless of whether the alien received a benefit through the attempt or conspiracy." 20 I & N Dec. 166 (BIA 1990). Similarly, the federal courts

have stated that INA §204(c) bars approval of I-140 and I-130 *immigrant* petitions, which are filed pursuant to INA §204. *See Oddo v. Reno*, 17 F. Supp.2d 529 (E.D. Va 1998); *Ghaly v INS.*, 48 F.3d 1426 (7th Cir. 1995).

The AAO has also ruled that applicants for nonimmigrant visas are **not** subject to the prohibition outlined in §204(c). In a decision dated October 18, 2011, the AAO refused to uphold the denial of a K-1 nonimmigrant visa petition, where the petitioner claimed that she had married the beneficiary solely for immigration purposes (*see* AAO Decision of October 18, 2011 at **Exhibit 15**).

_____ has submitted Form I-918, a nonimmigrant petition pursuant to INA §214. The proscription outlined at INA §204(c) barring approval of **immigrant** visa petitions is inapplicable to _____'s case since she has filed a nonimmigrant visa petition. INA §204(c), therefore, cannot be a basis to deny _____ U status.

## VI. THE SERVICE'S DENIAL IS CONTRARY TO THE INTENT OF CONGRESS TO LIBERALLY PROVIDE WAIVERS OF INADMISSIBLITY TO U APPLICANTS

Pursuant to INA §212(d)(14), an applicant for U Nonimmigrant Status may request a waiver of all grounds of inadmissibility except the inadmissibility factors outlined in INA §212(a)(3)(E) that refers to participation "in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing." Furthermore, the statute provides that a waiver may be granted if it is in the "public and national interest." Black's Law Dictionary defines "public interest" as "the welfare of the public as compared to the welfare of a private individual or company. All of society has a stake in this interest and the government recognizes the promotion of and protection of the general public."

U nonimmigrant cases present compelling humanitarian concerns that should be considered when adjudicating INA §212(d)(14) waivers. As per the founding intent of the U visa program as set forth in the Victims of Trafficking and Violence Protection Act of 2000, "Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States." Therefore, the continued fulfillment of Congressional intent requires that the Service adjudicate I-192 waivers of inadmissibility taking into consideration the humanitarian factors according to the broad INA §212(d)(14) standard, and failure to do so frustrate the intent of the U Nonimmigrant Status Petitions, making it less likely for victims of the certified crimes to trust and cooperate with law enforcement investigations and prosecutions.

In this case, the Service's denial of _____'s case is contrary to the intention of Congress to liberally provide waivers of inadmissibility to U applicants. _____ has proven that she has been severely victimized and she acted in the welfare of the public by reporting domestic violence crimes committed against her by her former intimate partner X. As per statistics reported by the National Coalition Against Domestic Violence, domestic violence is a national epidemic.[3] For example, 1 in 3 women and 1 in 4 men have been victims of physical violence by an intimate partner within their lifetime, and on average, nearly 20 people per minute are physically abused by an intimate partner in the United States. *Id*. Survivors such as _____ have assisted in combating this epidemic by reporting the crimes, despite fears of retribution by the abuser, and continuing trauma. Our society has a stake in ensuring that the occurrence of domestic violence is reduced with the ultimate goal of eradication, since the human and economic toll is well documented. *Id*.

[3] http://www.ncadv.org/learn-more/statistics

Humanitarian factors strongly support the granting of the INA §212(d)(14) waiver to _____. As set forth in her affidavit in support of her waiver on Form I-192, _____ has faced a lifetime of violence, and has emerged as a survivor who has stabilized her life (**Exhibit 4**). From the young age of 15, when she was still living in Grenada, _____ was raped, and her first child [redacted] was conceived as a result of the rape. *Id.* When she was 22 years old, she married _____, who raped [redacted]. *Id.* In the U.S., she did not escape the violence but suffered abuse from her former intimate partner X. *Id.* _____ has been severely victimized in both her home country and the U.S., and has cooperated with law enforcement in reporting the domestic violence crimes committed against her in the U.S. _____ has committed one sole infraction. She has not smuggled anyone into the country, she has not sold or dealt drugs, she has not re-entered the country after being removed, she has not harmed or targeted anyone for abuse, she is not a terrorist and she has no criminal record. By setting the bar so high for waiver approval, USCIS is going against the intent of Congress to provide relief to a bona fide crime victim where the U waiver provisions allow for waiving of all inadmissible conduct except for those found at INA §212(a)(3)(E). If fraud and similar conduct can never be waived, then no crime survivor who has previously engaged in such conduct will ever be eligible for U status and the Service has made a mockery of the U visa program and its waiver policy. The Service should have considered the humanitarian intent behind the U Visa program, and should have granted _____ U status.

## VII. CONCLUSION

The evidence previously submitted with _____'s I-918 and I-192 applications, supplemented with the additional evidence included with this Motion, supports a

finding that discretion should be exercised in _____'s favor. 8 C.F.R. §245.24(d)(11). When weighing the sole adverse factor against the favorable ones in this case (long residence, close family ties, stable employment and payment of taxes) and when considering the evidence in its totality, a U grant is warranted for humanitarian reasons, for family unity and in the public interest. *Matter of O-J-O*, I&N Dec. 381 (BIA 1996) and *Matter of Ige*, 20 I&N Dec. 880 (BIA 1994). Thus, there can be no other conclusion than that a favorable exercise of discretion is appropriate in _____'s case.

Based on the above, _____ respectfully requests that her application for U Nonimmigrant Status be approved.

Respectfully submitted, November 3, 2016

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