

**U.S. Customs and Border Protection**

Admissibility Review Office  
12825 Worldgate Drive  
Herndon, VA 20170-1340



A201164852

November 12, 2013

[REDACTED]

**SERVICE MOTION TO REOPEN**

RE: [REDACTED], A201164852

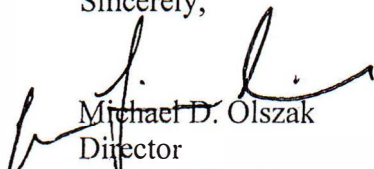
APPLICATION: I-192, Application for Advance Permission to Enter as Nonimmigrant

DISCUSSION: On August 20, 2012, this service denied your Application for Advance Permission to Enter as Nonimmigrant. Upon receipt of documents from your attorney, a service motion to reopen this application was issued to review the decision.

CONCLUSION: After further review, it is concluded that the prior decision was issued in error.

ORDERED: It is ordered that the prior decision of the Director be rescinded. The applicant will be issued a decision noting that it has been determined that he does not require a waiver of inadmissibility, and is therefore eligible for travel to the United States.

Sincerely,

  
Michael D. Olszak  
Director  
Admissibility Review Office

**U.S. Customs and Border Protection**  
Admissibility Review Office  
12825 Worldgate Drive  
Herndon, VA 20598-1340



A201164852

November 15, 2013

[REDACTED]

Dear Mr. [REDACTED]:

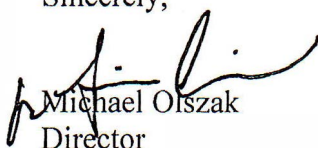
This correspondence is in reference to your Form I-192, Application for Advance Permission to Enter as Nonimmigrant, submitted on or about March 17, 2011. You submitted this application because you may be inadmissible to the United States under Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (INA), as amended. The noted section of the INA states, in part, that any alien who has been convicted of a crime involving moral turpitude is inadmissible to the United States.

A review of the record establishes that on May 27, 2010, at Provo, Utah, you were convicted of two counts of Wrongful Appropriation, in violation of 76-6-404.5 of the Utah Criminal Code. The noted section of the Utah Criminal Code states, in part, that a person commits wrongful appropriation if he obtains or exercises unauthorized control over the property of another, without the consent of the owner or legal custodian and with the intent to temporarily appropriate, possess, or use the property or to temporarily deprive the owner or legal custodian of possession of the property.

Matter of Grazley, 14 I&N Dec. 330, 333 BIA (1973) held that "ordinarily, a conviction for theft is considered to involve moral turpitude only when a permanent taking is intended." The offense of Wrongful Appropriation, under the provisions of 76-6-404.5 of the Utah Criminal Code, involved "the intent to temporarily appropriate". Upon examination of the statute under which you were convicted, 76-6-404.5 of the Utah Criminal Code, there is no intent to "permanently" deprive the owner or legal custodian of the property, rather, just "the intent to temporarily appropriate" said property. Consequently, this office has concluded that these convictions do not, in whole or part, constitute a crime involving moral turpitude. As such, these convictions does not have an effect on admissibility to the United States under Section 212(a)(2)(A)(i)(I) of the INA.

Therefore, it is the determination of this office that you are eligible for travel to the United States. Your inspection, upon applying for admission to the United States, will be conducted in the normal process accorded an applicant for admission into the United States. To help facilitate future travel, it is recommended that you carry this letter for presentation to the inspecting officer.

Sincerely,

  
Michael Olszak  
Director

Admissibility Review Office