



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

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

In Re: 21561807

Date: MAR. 01, 2022

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification under Immigration and Nationality Act (the Act) sections 101(a)(15)(U) and 214(p), 8 U.S.C. §§ 1101(a)(15)(U) and 1184(p). The Director of the Vermont Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), and the matter is now before us on appeal. On appeal, the Petitioner submits a brief and additional evidence. Upon *de novo* review, we will dismiss the appeal.

I. LAW

Section 101(a)(15)(U)(i) of the Act provides U-1 nonimmigrant classification to victims of qualifying crimes who suffer substantial physical or mental abuse as a result of the offense. These victims must also possess information regarding the qualifying crime and be helpful to law enforcement officials in their investigation or prosecution of it. *Id.*

The petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. 8 C.F.R. § 214.14(c)(4); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). As a part of meeting this burden, a petitioner must submit a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), from a law enforcement official certifying a petitioner’s helpfulness in the investigation or prosecution of the qualifying criminal activity. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). The Supplement B must be signed by the certifying official within the six months immediately preceding the filing of the U petition. 8 C.F.R. § 214.14(c)(2)(i). Although a petitioner may submit any evidence for us to consider, we determine, in our sole discretion, the credibility of and weight given to all of the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

II. ANALYSIS

The Petitioner, a citizen of Mexico, filed the instant U petition in October 2015. The Director denied the U petition for lack of initial required evidence, as the petition was not accompanied by a properly executed Supplement B.

On appeal, the Petitioner claims, through counsel, that he submitted a properly executed Supplement B at the time of filing his original U petition. He includes a full copy of the initial filing for himself

and the three associated derivative U petitions, including Supplements B signed and certified by the [redacted] Sheriff's Department in April 2015, for M-Z- and J-Z-, his children.¹

As stated above, the submission of a Supplement B is required by statute at section 214(p)(1) of the Act ("The petition filed . . . under section 101(a)(15)(U)(i) [of the Act] shall contain a certification . . ."). Moreover, as provided by the regulation at 8 C.F.R. § 214.14(c)(2)(i), a U petition "must include" as initial evidence a Supplement B "signed by a certifying official within the six months immediately preceding the filing of" the U petition. Our review of the record does not demonstrate that any of the Supplements B included with the initial filing, or copies of which were provided on appeal, were certified on behalf of the Petitioner himself.² Because the Petitioner did not file his U petition with the required initial evidence, the Petitioner is not eligible for U nonimmigrant status under section 101(a)(15)(U) of the Act.

The Petitioner argues on appeal that the Director's denial was, "based on the wrong assumption that the initial filing was not accompanied by a [Supplement B]," and that, "[a] valid and original executed [Supplement B] was included in the initial filing for the petitioner and each derivative." However, as stated above, the only Supplements B included with the initial filing, and copies submitted on appeal, are certified on behalf of the Petitioner's two children.

III. CONCLUSION

The Petitioner filed his U petition without including, as required initial evidence, a properly executed Supplement B, as section 214(p)(1) of the Act and 8 C.F.R. § 214.14(c)(2)(i) require. Accordingly, the Petitioner has not established his eligibility for U nonimmigrant status under section 101(a)(15)(U) of the Act.³

ORDER: The appeal is dismissed.

¹ We use initials to protect the privacy of individuals.

² Included with the initial filing were four copies of certified Supplements B certified on behalf of the Petitioner's children, M-Z- and J-Z-. The evidence submitted on appeal reflects the same. The record additionally does not contain a Supplement B certified on behalf of the Petitioner's derivative spouse.

³ This decision is without prejudice to the Petitioner's filing of a new U petition including, as initial required evidence, a properly executed Supplement B for the Petitioner himself.