



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

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

In Re: 23809512

Date: AUG. 26, 2022

Appeal of Nebraska Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” 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 Form I-918, Petition for U Nonimmigrant Status (U petition). The Director subsequently dismissed the Petitioner’s motion to reopen and reconsider. The matter is now before us on appeal. On appeal, the Petitioner submits additional evidence, and a brief reasserting his eligibility for U nonimmigrant status. The Administrative Appeals Office reviews 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.

I. LAW

To establish U-1 eligibility, a petitioner must submit, as required initial evidence, a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), signed by a designated law enforcement official certifying, among other factors, the petitioner’s helpfulness in the investigation or prosecution of the qualifying criminal activity perpetrated against them. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). The implementing regulations define “certifying official” to mean, in pertinent part, “[t]he head of the certifying agency, or any person(s) in supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency.” 8 C.F.R. § 214.14(a)(3)(i).

U.S. Citizenship and Immigration Services (USCIS) has sole jurisdiction over U petitions, and the petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Although a petitioner may submit any evidence for us to consider, USCIS determines, in its 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 native and citizen of Mexico, filed this U petition in July 2015, based on an assault she suffered. Accompanying the U petition, the Petitioner provided two Supplement B forms, the first certified in June 2015, and the second in March 2020.

Regarding the first Supplement B form, the Director determined that it was unclear whether the individual who signed the form was authorized to do so. The Director issued a request for evidence (RFE), informing the Petitioner that she could provide evidence that the individual who signed the form was authorized to do so or a new Supplement B signed by a qualifying certifying official. In response to the RFE, the Petitioner submitted, among other things, a copy of an unsigned Supplement B sent to the [REDACTED] Police Department, and a statement detailing her attorney's efforts to obtain a new Supplement B. The Director subsequently denied the U petition, concluding that the Petitioner had not submitted a properly executed Supplement B form as required by 8 C.F.R. § 214.14(c)(4).¹

The Petitioner filed a motion to reopen and reconsider accompanied by a second Supplement B form from the [REDACTED] Police Department. The Director dismissed the combined motion, highlighting that the form was missing the Name of Certifying Official, the Title and Division/Office of Certifying Official, and the Name of Head of Certifying Agency all under Part 2. The Supplement B form was also missing all of the information in Parts 3 and 4, except for the dates on which the criminal activity occurred. The Director further highlighted that the signatures on the Supplement B forms did not match, despite the Petitioner's contention that the forms were signed by the same certifying official. Finally, the Director reiterated that the Petitioner had not provided evidence that the certifying official was authorized to sign the form.

On appeal, the Petitioner asserts that "the first supplement was complete and the second form only serv[ed] as a confirmation of the first." She further asserts that "the first supplement indicated the helpfulness of the victim, the criminal acts [,] etc. . . . [i]t was not defective and there was no finding to the contrary." The Petitioner further asserts that there is a "slight" variation in the signatures on the Supplement B forms that does not in and of itself make it that of a different person. She argues that signatures will slightly vary over time and USCIS made no attempt to obtain an explanation for the slight variation in the certifying official's signature. She maintains that the USCIS could have contacted the certifying official if the agency had doubts about the signature or the validity of the second Supplement B.

Upon *de novo* review, we agree with the Director that the Petitioner has not submitted a properly executed Supplement B form. As stated above, the Petitioner was afforded an opportunity to provide evidence that the individual who signed the first Supplement B form was authorized to do so or a new, properly executed Supplement B form from a qualified certifying official. The Petitioner did not do so. Instead, the Petitioner submitted an unsigned Supplement B form followed by a Supplement B form containing multiple blank fields of information. While we acknowledge the Petitioner's assertions on appeal, by failing to provide the aforementioned information in Parts 2, 3 and 4, the Supplement B was not completed "fully and accurately," as required by the form's instructions. Instructions for Supplement B, U Nonimmigrant Status Certification at 2; *see also* 8 C.F.R. §

¹ The Director also concluded that the Petitioner had not established that she was the victim of qualifying criminal activity.

103.2(a)(1) (explaining that every immigration benefit request must be executed in accordance with the form's instructions and incorporating the instructions into the applicable regulations). Therefore, the Petitioner did not satisfy the classification's initial evidence requirements.

III. CONCLUSION

The Petitioner has not established that she satisfied the initial evidence requirements and the attendant obligation to show she is a victim of qualifying criminal activity. Consequently, she has not established eligibility for the U-1 classification.²

ORDER: The appeal is dismissed.

² Since the identified basis for denial is dispositive of this matter, we decline to reach and hereby reserve the Director's remaining grounds for denial. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).