



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

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

In Re: 24094112

Date: DEC. 21, 2022

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification as a victim of qualifying criminal activity at 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 (Director) denied the Form I-918, Petition for U Nonimmigrant Status (U petition). The matter is now before us on appeal. On appeal, the Petitioner asserts that he is eligible for U nonimmigrant status. 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 remand the appeal.

I. LAW

The U-1 classification affords nonimmigrant status to victims of qualifying criminal activity who suffer substantial physical or mental abuse as a result of the crime. Section 101(a)(15)(U)(i) of the Act. To be eligible for U-1 nonimmigrant status, the petitioner must also possess information about the qualifying crime and be helpful to law enforcement officials in their investigation or prosecution of the crime. *Id.*

As required initial evidence, petitioners must submit a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), from a law enforcement official certifying the petitioners' 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). U.S. Citizenship and Immigration Services (USCIS) has sole jurisdiction over U petitions. 8 C.F.R. § 214.14(c)(1). Although petitioners may submit any relevant, credible evidence for the agency to consider, USCIS determines, in its sole discretion, the credibility of and weight given to all the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

The Director denied the U petition, concluding that the Petitioner did not submit a timely executed Supplement B. On appeal, the Petitioner submits a brief, claiming that the Supplement B was timely signed within the six months immediately preceding the filing of the U petition, and that he is eligible

for the nonimmigrant visa. Upon de novo review, we will withdraw the Director's decision and remand the proceedings.

II. ANALYSIS

The Act and implementing regulations require that a U petition be filed with a properly executed Supplement B as initial evidence. Section 214(p) of the Act; 8 C.F.R. § 214.14(c)(2)(i). The Supplement B is completed by a law enforcement official who certifies a petitioner's helpfulness in the investigation or prosecution of the qualifying criminal activity of which the petitioner was the victim. *Id.* The Supplement B must be signed and certified by the relevant law enforcement official "within the six months immediately preceding the filing of" the U petition. 8 C.F.R. § 214.14(c)(2)(i). The regulations indicate that the six-month time period allotted does not include the day the U petition is filed. *See* 8 C.F.R. § 103.2(a)(7)(i) (stating that a benefit request will be considered "submitted" as of "the actual date of receipt at the location designated for filing"); *see also* Fed. R. Civ. P. section 6(a)(1) (providing for the general rule that, "[w]hen the time period is stated in days or a longer unit of time[,] . . . the day of the event that triggers the period" is excluded).

In this case, the certifying official signed the Supplement B on February 2, 2016. The last day of the six-month validity period of the Supplement B, excluding the end date, fell on August 2, 2016, the same date USCIS received the Petitioner's U petition, including the Supplement B. Accordingly, the Supplement B was signed within the six months immediately preceding the date the Petitioner filed his U petition and complies with the regulation at 8 C.F.R. § 214.14(c)(2)(i).

The Petitioner has overcome the basis for the denial and we will remand the matter for the Director to address whether the Petitioner met the remaining eligibility criteria under section 101(a)(15)(U)(i) of the Act.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.