



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

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

In Re: 24066342

Date: DEC. 21, 2022

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant

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. 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 dismiss 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).

II. ANALYSIS

The Petitioner filed her U petition in December 2021. In March 2022, the Director denied the U petition for lack of initial required evidence, as the petition was not accompanied by, among other

things, a properly executed Supplement B. On appeal, the Petitioner submits a Supplement B executed in April 2022 by the [redacted] District Attorney in the Commonwealth of Massachusetts.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 a Supplement B was filed with the Petitioner’s original submission. Because the Petitioner did not file her U petition with the required initial evidence, she is ineligible for U nonimmigrant status under section 101(a)(15)(U) of the Act. Although the Petitioner submits a Supplement B on appeal, this submission does not cure the deficiency in the record, as the Supplement B must be submitted with the initial filing. We recognize the harsh outcome in this case, but we lack authority to waive the requirements of the statute, as implemented by the regulations. *See United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (holding that both governing statutes and their implementing regulations hold “the force of law” and must be adhered to by government officials). Accordingly, the Petitioner has not established her eligibility for U nonimmigrant status under section 101(a)(15)(U) of the Act.²

ORDER: The appeal is dismissed.

¹ The Petitioner does not make any arguments on appeal.

² We note that the Petitioner may at any time file a U petition with a properly executed Supplement B signed within the six months preceding any such new filing. A review of USCIS electronic records indicates that in March 2022, the Petitioner filed a new U petition which is still pending.