



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

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

In Re: 20010669

Date: FEB. 10, 2022

Appeal of Vermont 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), as the victim of qualifying criminal activity. 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. 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 eligibility for U-1 nonimmigrant classification, petitioners must show that they: have suffered substantial physical or mental abuse as a result of having been the victim of qualifying criminal activity; possess information concerning the qualifying criminal activity; and have been helpful, are being helpful, or are likely to be helpful to law enforcement authorities investigating or prosecuting the qualifying criminal activity. Section 101(a)(15)(U)(i) of the Act.

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. 8 C.F.R. § 214.14(c)(4); *Matter of Chawathe*, 25 &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 relevant, credible evidence for us to consider, USCIS determines, in its sole discretion, the credibility of and weight given to all the evidence, including the Supplement B. 8 C.F.R. § 214.14(c)(4).

## II. ANALYSIS

The Petitioner filed the instant U petition in January 2021. With the U petition, the Petitioner submitted an unsigned and undated Supplement B which lists Centro de Justicia Alternativa Penal, located in [REDACTED] Mexico, as the certifying agency. The Director denied the U petition for lack of initial required evidence, as it was not accompanied by a properly executed Supplement B. Specifically, the Director noted that the Supplement B was not properly signed by a certifying official of a law enforcement agency in the United States. The Director also determined that as the record did not contain a properly executed Supplement B, the Petitioner did not establish any of the requirements listed in section 101(a)(15)(U)(i) of the Act. Lastly, the Director found that the Petitioner's filing did not contain required biometrics, including a photograph and fingerprints.<sup>1</sup>

On appeal, the Petitioner states that her spouse physically abused her, and she reported the abuse to authorities in Mexico and the [REDACTED] Sheriff's Department. The record includes government criminal records from [REDACTED] Mexico, and an incident report from the [REDACTED] Sheriff's Department, both related to domestic violence that the Petitioner experienced in [REDACTED] 2020 in the United States. The record also includes page 1 of a [REDACTED] Department of Children and Family Services, record describing an [REDACTED] 2018 assault on the Petitioner by her spouse.

As stated above, the submission of a Supplement B is required by statute. *See* 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. A certifying agency is a federal, state, or local law enforcement agency, prosecutor, judge, or other authority, that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity, which refers to certain violations of federal, state, or local criminal laws of the United States. 8 C.F.R. § 214.14(a)(2), (9).

In this case, the record does not establish that Centro de Justicia Alternativa Penal is a certifying agency. Thus, the Supplement B the Petitioner submitted with her U petition was not properly signed and dated by a certifying official of the relevant certifying agency in the United States as required by the Act and regulations. Because the Petitioner did not file her U petition with the required initial evidence, she is not eligible for U nonimmigrant status under section 101(a)(15)(U) of the Act.<sup>2</sup>

**ORDER:** The appeal is dismissed.

---

<sup>1</sup> The Director did not address this issue in detail as the Petitioner's U petition was otherwise deniable for not submitting a Supplement B.

<sup>2</sup> This decision is without prejudice to the filing of a new U petition with a properly executed Supplement B.