



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

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

In Re: 20133838

Date: FEB. 15, 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). 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. 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 criminal activity who suffer substantial physical or mental abuse as a result of the crime, possess information regarding the crime, and have been, are being, or are likely to be helpful to law enforcement officials “investigating or prosecuting” the crime. *Id.*

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. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). The signature page of the Supplement B must contain the original signature of the certifying official, as explained in the form’s instructions. *See* Instructions for Form I-918, Petition for U Nonimmigrant Status (Form I-918 Instructions), at 4 (Jan. 15, 2013 ed.) (stating that “the signature on the [Supplement B] must be original”); *see also* 8 C.F.R. § 103.2(a)(1) (providing that “[e]very form, benefit request, or other document must be submitted . . . and executed in accordance with the form instructions” and that a “form’s instructions are . . . incorporated into the regulations requiring its submission”).

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 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). The Administrative Appeals Office (AAO) reviews the questions in this matter *de novo*. *See Matter of Christo’s Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

II. ANALYSIS

In July 2015, the Petitioner filed her U petition with a Supplement B signed and certified by the AC/Criminal Investigations Command of the [REDACTED] Police Department in [REDACTED] Texas (certifying official). The certifying official checked the box indicating that the Petitioner was the victim of criminal activity involving or similar to “Domestic Violence.”

In June 2020, the Director issued a request for evidence (RFE) seeking a Supplement B that contains “an original signature” and a signed statement detailing all of the Petitioner’s entries into, and exits out of, the United States. In response, the Petitioner provided information regarding her entries into the United States; the record does not establish that the Petitioner submitted a Supplement B that contained an original signature. In denying the U petition, the Director concluded that due to the lack of an original signature on the Supplement B, the Petitioner had not provided the required initial evidence.

On appeal, counsel for the Petitioner asserts that by virtue of issuing a Form I-7979C (Notice of Action) Receipt Notice, USCIS had ensured “conformity with applicable rules, regulations, and other authorities,” and thus must have been in receipt of the original I-918, Supplement B. Moreover, if the Petitioner’s Form I-918 was missing the original Supplement B, counsel contends USCIS “should have immediately reject (*sic*) the benefit request for improper filing.” Instead, USCIS “issued during intake processing a Receipt Notice attesting that upon assessment the Petitioner’s I-918 U visa filing was correctly submitted with the agency.”¹ Counsel also maintains that the [REDACTED] Police Department’s [REDACTED] 2015, “certification,” made under the seal of the Criminal Investigation Command, has “equal legal force and authenticity just as the original.”²

As clearly detailed on the Form I-797, Notice of Action, issued in July 2015, “This notice confirms that USCIS received your application or petition (“this case”) as shown above.” Further, the notice states that “[t]his notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.”

The record does not reflect that the Petitioner submitted a Supplement B containing an original signature to USCIS. Applicable regulations require that immigration benefit requests, such as the instant U petition, comply with the form’s instructions. 8 C.F.R. § 103.2(a)(1); *see also United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265 (1954) (explaining that immigration regulations carry the force and effect of law); *United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (as long as regulations remain in force, they are binding on government officials). Here, the Form I-918 Instructions in effect at the time of filing clearly explained that the “signature on the [Supplement B] must be original.”

¹ Counsel also contends on appeal that no request for evidence was issued for the properly signed Supplement B containing an original signature. Contrary to counsel’s assertion on appeal and as detailed above, the record establishes that the Director did make a request for a “properly signed I-918, Supplement B with an original signature” in the June 2020, RFE.

² The letter stated, in relevant part, that the [REDACTED] Police Department has completed the enclosed U-visa certification form for your client [the Petitioner].” This letter does not establish that the Supplement B contained an original signature.

The Petitioner filed her 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 her eligibility for U nonimmigrant status under section 101(a)(15)(U) of the Act.³

ORDER: The appeal is dismissed.

³ This decision is without prejudice to the Petitioner's filing of a new U petition including, as initial required evidence, a Supplement B containing an original signature.