



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

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

In Re: 20011819

Date: FEB. 22, 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), concluding that the Petitioner did not establish her helpfulness in the investigation or prosecution of qualified criminal activity. The matter is now before us on appeal.

On appeal, the Petitioner submits a brief and additional evidence asserting that she was helpful and has established eligibility for U-1 nonimmigrant classification. 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**

Section 101(a)(15)(U)(i) of the Act provides U-1 classification to victims of qualifying crimes who suffer substantial physical or mental abuse as a result of the offense. These victims must also possess information regarding the qualifying crime and be helpful to law enforcement officials in their investigation or prosecution of the crime. *Id.*

A U petition must be filed with a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), from a law enforcement official certifying that a petitioner “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of qualifying criminal activity.<sup>1</sup> Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). A U petitioner must demonstrate that they have been, are being, or are likely to be helpful to a certifying agency in the investigation or prosecution of the qualifying criminal activity upon which their U petition is based. Section 101(a)(15)(U)(i)(III) of the Act; 8 C.F.R. § 214.14(b)(3). To meet this requirement, the petitioner must demonstrate that since the initiation of cooperation, they have not refused or failed to provide information and assistance reasonably requested. 8 C.F.R. § 214.14(b)(3).

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<sup>1</sup> The Supplement B also provides factual information concerning the criminal activity, such as the specific violation of law that was investigated or prosecuted.

A 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, we determine, in our sole discretion, the credibility of and weight given to it. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

## II. ANALYSIS

### A. Relevant Facts and Procedural History

The Petitioner, a native of Mexico, filed her U petition in May 2016 based upon an incident of aggravated stalking by her former spouse. With her U petition, she submitted an April 2016 Supplement B from the Chief of Police of the [ ] Police Department (certifying agency) in [ ] Georgia. In response to Part 4.2 of the Supplement B, which asks whether the Petitioner had been, was being, or was likely to be helpful in the investigation or prosecution of the criminal activity, the certifying agency indicated “No.” In the narrative portion of the Supplement B, the certifying agency explained that the Petitioner reported the incident to police in [ ] 2006. The certifying agency continued:

Detectives attempted to contact victim L-<sup>2</sup> on 01/29/2007, however the phone number provided was not in service. Detective responded to victim’s residence and left a message with victim’s roommate to contact the [ ] Police. Victim L- never responded. Case was cleared as unfounded as of 02/26/2007.

In response to the Director’s request for evidence (RFE), the Petitioner provided, in relevant part, a copy of the initial [ ] Police Department report (incident report), two supplemental incident reports, and a [ ] 2006 letter informing the Petitioner that Detective Q- had been assigned to her case, asking that the Petitioner advise the detective of any additional information that might assist in the investigation, and providing the detective’s phone number.

Upon review of this evidence, the Director denied the instant U petition, concluding that although the Petitioner appeared to be helpful at the outset of the investigation, the evidence did not demonstrate that she continued to be helpful or that she had unreasonably refused to provide helpful assistance to law enforcement in the continuing investigation or prosecution, as required.

### B. The Petitioner Has Not Demonstrated That She Was Helpful in the Investigation or Prosecution of Qualifying Criminal Activity

On appeal, the Petitioner contends that the Director erred in reaching this conclusion and denying her U petition. She provides a statement explaining that at the time she was unable to return the detective’s phone call because her telephone was disconnected. She explained that she was unable to pay her phone bill because she and her daughters had just left a shelter for victims of domestic violence. In this statement, the Petitioner explains that she did not respond to the message left at her residence because she never received it. She states that there were several people living with her that were unknown to her. The Petitioner also acknowledges on appeal that she received the aforementioned

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<sup>2</sup> Initials are used to protect the identity of the individuals involved.

letter from Detective Q- providing the detective's contact information, but that as she had no additional information to provide the detective, she "did not think to reach out when called upon," and that she remained available to provide assistance.

We are sympathetic to the domestic abuse the Petitioner endured preceding this incident and to the resulting financial difficulties she faced. We acknowledge that these difficulties rendered the Petitioner unable to maintain telephonic contact with and receive communications from the detective in the course of the investigation. We further note that the Petitioner made contact with the certifying agency immediately following the incident, reflecting her initial cooperation with that agency. However, the Petitioner does not offer evidence sufficient to establish by a preponderance of the evidence that since initiating cooperation, she "has not refused or failed to provide information and assistance reasonably requested" as required pursuant to 8 C.F.R. § 214.14(b)(3). The Supplement B and the incident reports in the record below indicate that the certifying agency attempted to contact the Petitioner by phone and in person to request continuing assistance in the investigation and prosecution, and that the Petitioner did not respond to either attempt. The record also includes a letter from the investigating detective providing an additional way for the Petitioner to contact and offer information and assistance reasonably requested. Although we acknowledge the Petitioner's assertion that she remained willing to provide additional evidence to the detective following receipt of this letter, the record does not reflect that she did so. Further, the detective notes that the case was ultimately cleared as unfounded. A petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. 8 C.F.R. § 214.14(c)(4); *Chawathe*, 25 I&N Dec. 369 at 375. Here, for the foregoing reasons, she has not met this burden.

The Petitioner also argues on appeal that her initial cooperation with law enforcement during this incident and during previous incidents of domestic violence fulfills the helpfulness requirement. However, the regulations impose an ongoing requirement to demonstrate that, since initiating cooperation, the U petitioner "has not refused or failed to provide information and assistance reasonably requested." 8 C.F.R. § 212.14(b)(3). As discussed above, the Petitioner has not shown that she satisfies this requirement by a preponderance of the evidence. With regard to previous incidents of domestic violence, although we are sympathetic to them, the Petitioner does not offer evidence sufficient to establish her initial and ongoing cooperation with law enforcement during these incidents. The record lacks a Supplement B certifying that the Petitioner has been, is being, or will continue to be helpful in the investigation or prosecution of any other incidents of domestic abuse perpetrated against her and does not include evidence in support of her assertion. Instead, the Supplement B and the supporting incident report in the record below address only the [ ] 2006 aggravated stalking incident.

In summary, although the Petitioner initially provided information to law enforcement, the record indicates that she failed to provide assistance reasonably requested when she was unreachable by phone, did not respond to the message left at her residence, and did not contact the investigating officer at the number provided by letter. Further, the Petitioner does not contest the Director's conclusion that law enforcement's requests for assistance were reasonable. As the Petitioner has not demonstrated that she satisfies the helpfulness requirement, she has not established her eligibility for the U-1 nonimmigrant classification.

**ORDER:** The appeal is dismissed.