



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

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

In Re: 19396726

Date: MAY 3, 2022

Appeal of Nebraska 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 a victim of qualifying criminal activity. The Director of the Nebraska Service Center denied the Petitioner’s Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that she did not demonstrate her helpfulness to law enforcement. The denial of the Petitioner’s U petition is now before us on appeal. 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 to the Director for the issuance of a new decision.

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 and possess information about the crime. Section 101(a)(15)(U)(i) of the Act. A U petitioner must also demonstrate that he or she “has been helpful, is being helpful, or is likely to be helpful” to a law enforcement agency in the investigation or prosecution of the qualifying criminal activity. *Id.* This requirement includes demonstrating that, since initiating cooperation, the petitioner “has not refused or failed to provide information and assistance reasonably requested.” 8 C.F.R. 212.14(b)(3).

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 the petitioner’s helpfulness in the investigation or prosecution of the qualifying crime. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). Although a U petitioner may submit additional evidence along with the Supplement B, we determine, in our sole discretion, the credibility of and the weight to give all of the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4). 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).

II. ANALYSIS

A. Relevant Facts and Procedural History

The Petitioner filed her U petition in November 2015 based on domestic violence she suffered at the hands of R-R-,¹ the father of the Petitioner's children. With her U petition, the Petitioner submitted a Supplement B signed in June 2015 by a sergeant (certifying official) from the [redacted] of the [redacted] Police Department (certifying agency). The certifying official checked the box under Part 3.1 indicating that the Petitioner was the victim of criminal activity involving or similar to domestic violence. The certifying official did not list any statutory citations under Part 3.3. Within the narrative portion characterizing the criminal activity, the certifying official described three incidents of domestic violence within a five-month period. The first incident reflected that R-R- punched the Petitioner in the mouth, her lip was busted open, and her right arm scratched. The second reflected that R-R- strangled the Petitioner, pulled her hair, and threw her onto the stairs injuring her leg. The third reflected that R-R- grabbed and shook the Petitioner, told her it would be easy to have her killed, and that the police would not catch him.

Under Part 4 of the Supplement B, the certifying official indicated that the Petitioner possessed information concerning the criminal activity; she has been, is being, or is likely to be helpful in the investigation and or prosecution of the criminal activity; she has not been requested to provide further assistance in the investigation and or prosecution; and she has not unreasonably refused to provide assistance in a criminal investigation or prosecution.

Responding to the Director's request for evidence, the Petitioner provided a second Supplement B from the same certifying agency but signed by a different certifying official. On the second Supplement B, the certifying official checked the box for domestic violence and a second box for an attempt to commit any of the named crimes. The certifying official listed under Part 3.3 "MD CODE, FAMILY LAW, SECTION 4-701" as the specific statutory citation investigated or prosecuted. When describing the criminal activity being detected, investigated, or prosecuted, the certifying official provided the same dates as the first form, and indicated that the Petitioner was the victim of domestic violence at the hands of R-R-. The certifying official again indicated that the Petitioner possessed information concerning the criminal activity, she was helpful in the criminal activity's investigation and or prosecution, and she had not refused or failed to provide reasonably requested assistance in the investigation or prosecution of such activity.

Although the record lacks a police report relating to the incidents, the Petitioner provided evidence that she secured a protective order against R-R-. The Petitioner petitioned for a protective order against R-R- by providing a written statement to the court as well as personal testimony before a district judge. She also instructed police officers where they could locate R-R- when the officers attempted to serve the protective order at the couple's home.

After review, the Director denied the U petition, concluding that the Petitioner did not establish that she was helpful in the investigation or prosecution of qualifying criminal activity. The Director acknowledged the Supplement B forms and the protective order the Petitioner obtained against R-R-,

¹ We use initials to protect the privacy of individuals.

but stated that a protection order, in itself, does not demonstrate helpfulness to law enforcement. The Director cited to 8 C.F.R. § 214.14(b)(3) as it relates to the requirement that a qualifying victim has not, when reasonably requested, refused or failed to provide information and assistance after they provided the initial cooperation. The Director further noted that the Petitioner did not press charges against R-R- because she feared for her safety, as well as the safety of her children in their home country were R-R- to be removed from the United States as a result of her pressing charges.

B. The Petitioner Has Demonstrated That She Was Helpful in the Investigation or Prosecution of Qualifying Criminal Activity

As stated above, a U petitioner must establish that they have been helpful, are being helpful, or are likely to be helpful to law enforcement authorities investigating or prosecuting the qualifying criminal activity perpetrated against them. Section 101(a)(15)(U)(i) of the Act; 8 C.F.R. § 214.14(b)(3). This requirement includes demonstrating that, since initiating cooperation, the petitioner “has not refused or failed to provide information and assistance reasonably requested.” 8 C.F.R. 212.14(b)(3).

On appeal, the Petitioner claims that the regulation does not require a crime victim to file charges or that the offender must be prosecuted. She asserts that she reported the crime to a certifying agency as defined in the regulation at 8 C.F.R. § 214.14(a)(2), and sought and received a protective order against R-R- and this is sufficient to demonstrate she satisfied the helpfulness requirements within the regulation. She further claims the Director erred by requiring her to provide assistance when it was not requested.

Upon *de novo* review, the Petitioner has established by a preponderance of the evidence that she has been helpful, is being helpful, or is likely to be helpful” to a law enforcement agency in the investigation or prosecution of the qualifying criminal activity. Section 101(a)(15)(U)(i) of the Act. At the outset, the regulations do not require formal charges in order to establish helpfulness to law enforcement. *See* section 101(a)(15)(U)(i)(III) (requiring helpfulness to law enforcement authorities “investigating *or* prosecuting” the qualifying criminal activity) (emphasis added); 8 C.F.R. § 214.14(a)(5) (defining “investigation or prosecution” to include the “detection or investigation of a qualifying crime”).

Further, we note that the Director’s decision does not meaningfully address how the Petitioner refused or failed to provide information or assistance reasonably requested. Lastly, nothing in the record indicates that the Petitioner refused or failed to provide information or assistance reasonably requested by law enforcement at any point after she commenced her cooperation in the investigation or prosecution of the qualifying criminal activity. To the contrary, both Supplement B forms reflect that the Petitioner possessed information concerning the criminal activity, she was helpful in the investigation or prosecution of the criminal activity, and she did not refuse or fail to provide assistance when it was requested of her. Further, the district court issued a protective order, based on the Petitioner’s testimony, in which the judge found that R-R- caused the Petitioner serious bodily harm, placed her in fear of imminent serious bodily harm, and assaulted her. Lastly, when the police officers went to the Petitioner’s home, she assisted them in serving the protective order by providing them with R-R-’s location.

Based on the foregoing, the Petitioner has established by a preponderance of the evidence that she was helpful to a certifying agency in the investigation or prosecution of the domestic violence upon which her petition is based, as required under 8 C.F.R. § 214.14(b)(3).

III. CONCLUSION

The Petitioner has overcome the Director's determination below and established by a preponderance of the evidence that she has been, is being, or is likely to be helpful to the certifying agency in the investigation or prosecution of qualifying criminal activity of which she was a victim. Therefore, we will remand to the Director for consideration of whether the Petitioner has satisfied the remaining statutory eligibility criteria for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

ORDER: The decision of the Director is withdrawn. The matter is remanded for consideration of the new evidence and entry of a new decision.