



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

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

In Re: 23052281

Date: NOV. 16, 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 a 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 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 I&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 October 2021. The Director denied the U petition for lack of initial required evidence, as it was not accompanied by a Supplement B or evidence that the Petitioner requested and received U interim relief.¹ On appeal, the Petitioner submits a Supplement B which lists Municipal Court [redacted] located in [redacted] New Jersey, as the certifying agency. The Supplement B also lists a certifying official, but this individual did not sign or date the Supplement B.²

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 Petitioner has not submitted a Supplement B signed by a certifying official within the six months immediately preceding the filing of her U petition. 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.³

ORDER: The appeal is dismissed.

¹ Petitioners who requested and received U interim relief are not required to file Supplement B. Instructions for Petition for U Nonimmigrant Status and Supplement A, Petition for Qualifying Family Member of U-1 Recipient, <https://www.uscis.gov/sites/default/files/document/forms/I-918instr.pdf>.

² The Supplement B is also missing the title for the certifying official, the name of the head of the certifying agency, the relevant statutory citations for the criminal activity, a description of the criminal activity and any known or documented injuries, and an explanation of the information the Petitioner possessed and how she was helpful in the investigation or prosecution of the criminal activity.

³ This decision is without prejudice to the filing of a new U petition with a properly executed Supplement B.