



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

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

In Re: 29739489

Date: DEC. 13, 2023

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks U 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 Petitioner's Form I-918, Petition for U Nonimmigrant Status (Form I-918), concluding that she did not submit a properly signed Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), as required evidence, because it was not issued by a certifying agency. The matter is now before us on appeal. 8 C.F.R. § 103.3. The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). 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 dismiss the appeal.

To establish eligibility for U 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 in the investigation or prosecution of the qualifying criminal activity. Section 101(a)(15)(U)(i) of the Act. The term "investigation or prosecution" of a qualifying criminal activity includes "the detection or investigation of a qualifying crime or criminal activity, as well as to the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity." 8 C.F.R. § 214.14(a)(5).

As required initial evidence, petitioners must submit a Supplement B issued by the appropriate official within a "certifying agency" that certifies their helpfulness in the investigation or prosecution of the qualifying criminal activity perpetrated against them. Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i). 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. 8 C.F.R. § 214.14(a)(2). A "certifying agency" may also be an agency that has criminal investigative jurisdiction in their respective area of expertise, including, but not limited to, child protective services, the Equal Opportunity Employment Commission, and the Department of Labor. *Id.* Although a petitioner may submit any evidence for us to consider, we determine, in our 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 Petitioner filed her Form I-918 in 2016 with a Supplement B signed and certified by a coordinator in the [redacted] (certifying official) in [redacted], Texas based on criminal activity that occurred in 2015. The Director issued a request for evidence, requesting that the Petitioner provide evidence to establish [redacted] met the requirements of a “certifying agency” as defined in 8 C.F.R. § 214.14(a)(2). In response, the Petitioner provided selected printouts from [redacted] website and added that she believed the entity had authority to investigate criminal activity and help police obtain statements from victims as well as accompany victims to court to testify and assist in prosecutions. The Petitioner also stated that despite their efforts, they were unable to obtain a Supplement B from the [redacted] Sheriff’s Office which was the entity that responded to the criminal activity.

The Director denied the Form I-918 concluding that the Petitioner did not submit as required initial evidence a properly executed Supplement B from a certifying agency with jurisdiction over the detection, investigation, or prosecution of qualifying criminal activity, as required by the Act and the implementing regulations. Specifically, the Director determined that [redacted], which signed the Supplement B in this case, was a support agency providing specialized services to victims of criminal activity, and not a “Federal, State, or local law enforcement agency, prosecutor, or judge with authority to detect, investigate, or prosecute qualifying criminal activity,” and therefore was not a “certifying agency” as defined in 8 C.F.R. § 214.14(a)(2).

On appeal, the Petitioner does not claim that [redacted] is a Federal, State, or local law enforcement agency, prosecutor or judge. The Petitioner claims, however, that a “certifying agency” may also be an agency that has criminal investigative jurisdiction in their respective area of expertise and that [redacted] is such an agency because it works with law enforcement, detects criminal activity, and has the authority to obtain statements for the police, and accompany victims to court to testify and assist in prosecutions. Other than her brief, the Petitioner provides no additional evidence in support of her appeal.

As noted above, the Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Chawathe*, 25 I&N Dec. at 375-76. After review of the evidence in the record, the Petitioner has not established that the Supplement B here was executed by a certifying agency, as she has not shown that [redacted] 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, and she does not otherwise cite to any state law or authority in support of her assertion on appeal that [redacted] is an agency with investigative jurisdiction over criminal activity either in general, or in any respective area of expertise. 8 C.F.R. § 214.14(a)(2). Even if the record showed that [redacted] met the definition of certifying agency, we note that the record establishes that the [redacted] Sheriff’s Office is the law enforcement agency that responded to the criminal activity of which the Petitioner was a victim and had jurisdiction over the investigation and there is no reference in the record to [redacted] as assisting the Sheriff’s Office in the detection, investigation, or prosecution of the criminal activity associated with this case as the Petitioner asserts on appeal. Finally, a review of [redacted] website provides that its strengths are “Fiscal, Grant and Contract Management, and Intermediary/funding.” [redacted] [redacted] (last visited Dec. 8, 2023). And while the website indicates that it established a “Victims of Crime / Prevention & Restoration Program” in 2013 that provides certain

support services,¹ the information presented on the website, as well as other evidence in the record, does not establish by a preponderance of the evidence that [redacted] is associated with any Federal, State, local authority, prosecutor or judge, or otherwise is an authority that has responsibility for the detection, investigation or prosecution of a qualifying crime or criminal activity.

Accordingly, the Petitioner has not established by a preponderance of the evidence that the [redacted] [redacted] meets the definition of a certifying agency at 8 C.F.R. § 214.14(a)(2), and therefore has not satisfied the initial evidentiary requirements for submission of a properly executed Supplement B from a certifying agency under section 214(p)(1) of the Act and 8 C.F.R. § 214.14(c)(2)(i). Accordingly, the Petitioner has not established eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

ORDER: The appeal is dismissed.

¹ As an example, the website indicates that “Victims will be assisted with the Protective Order application process, legal referrals, information on U-Visas, VAWA and T-Visas, will be informed of the legal rights of victims of violent crimes.” See [redacted] (last visited Dec. 8, 2023). And to the extent the website indicates it works with police and prosecutors such work appears limited to activities such as accompanying individuals to police departments or courts, explaining investigative or prosecutorial processes, or assistance in creating victim impact statements. The [redacted] website does not set forth any information or identify any authority indicating it has jurisdiction to detect, investigate, or prosecute criminal activity. *Id.*