



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 29430853

Date: DEC. 19, 2023

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification under the Immigration and Nationality Act (the Act) sections 101(a)(15)(U) and 214(p), 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. On appeal, the Petitioner submits a brief and additional evidence. 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). 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.

Section 101(a)(15)(U)(i) of the Act provides U-1 nonimmigrant 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 it. *Id.* 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). In addition, the petition must be supported by a signed statement by the petitioner describing the facts of the victimization. 8 C.F.R. § 214.14(c)(2)(iii). 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 the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

The Petitioner, a citizen of Honduras, filed the instant U petition in December 2022. In April 2023, the Director denied the U petition for lack of initial required evidence, as the petition was not accompanied by a properly executed Supplement B with supporting documents and was not accompanied by a signed statement by the Petitioner describing the facts of the victimization.¹ On appeal, the Petitioner submits a copy of a Supplement B executed in October 2022, certification by law enforcement, supporting material and a victim impact statement (“missing documentation”). He asserts in a brief that the missing documentation was inadvertently not submitted with her initial Form

¹ The filing also did not contain the required biometrics which includes photographs and fingerprints.

I-918 filing, and that it was purportedly sent to U.S. Citizenship and Immigration Services (USCIS) two days after the Form I-918 was filed. As proof of mailing of the missing documentation, the Petitioner provides a U.S. Postal Service tracking receipt that lacks identifying information that establishes that it was connected to him or his Form I-918 petition.

The Petitioner's accompanying brief explains that the required supporting documents were mailed two days after the Form I-918 petition was filed without supporting documents. Through counsel, the Petitioner explains that when he filed the U petition, he inadvertently left the Supplement B and supporting documentation out of the package. The Petitioner claims that when he realized his mistake, he sent the Supplement B to the Vermont Service Center (VSC) shortly after filing his U petition. A review of the record does not show that any Supplement B was received by the VSC.

As stated above, the submission of a Supplement B is required by statute at 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. Our review of the record does not demonstrate that a Supplement B was filed with the Petitioner's original submission. Because the Petitioner did not file his U petition with the required initial evidence, he is ineligible for U nonimmigrant status under section 101(a)(15)(U) of the Act. Although the Petitioner submits copies of his Supplement B and missing documents on appeal, this submission does not cure the deficiency in the record, as the Supplement B must be submitted with the initial filing. We recognize the harsh outcome in this case, but we lack the authority to waive the requirements of the statute, as implemented by the regulations. See *United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (holding that both governing statutes and their implementing regulations hold "the force of law" and must be adhered to by government officials). Accordingly, the Petitioner has not established his eligibility for U nonimmigrant status under section 101(a)(15)(U) of the Act.²

ORDER: The appeal is dismissed.

² We note that the Petitioner may at any time file a U petition with a properly executed Supplement B signed within the six months preceding any such new filing.