



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

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

In Re: 25216212

Date: FEB. 23, 2023

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks U nonimmigrant classification as a victim of qualifying criminal activity at 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, concluding that the Petitioner failed to submit a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), as required initial evidence. The matter is now before us on appeal. 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 investigating or prosecuting the qualifying criminal activity. Section 101(a)(15)(U)(i) of the Act.

As required initial evidence, petitioners must submit a Supplement B from a law enforcement official certifying 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).

The Petitioner filed his Form I-918 in 2022. The Director denied the Form I-918 for lack of initial required evidence because the Petitioner did not submit a Supplement B. On appeal, the Petitioner does not contest that he did not provide a Supplement B, and instead states that he is in the process of obtaining one and otherwise has submitted sufficient evidence to establish his eligibility. The Petitioner requests that either we grant his Form I-918 or give him the opportunity to obtain more evidence.

As we noted above, a certification from a law enforcement official is specifically required by statute at section 214(p)(1) of the Act. Such a certification must be provided through a Supplement B pursuant to regulation at 8 C.F.R. § 214.14(c)(2)(i). We lack the authority to waive this statutory requirement, as implemented by the regulations. *See United States v. Nixon*, 418 U.S. 683, 695-96

(1974) (explaining that governing regulations are binding on government officials). Our review of the record does not show that the Petitioner filed a Supplement B with his original submission. Because the Petitioner did not file his Form I-918 with the required Supplement B, he is not eligible for U nonimmigrant classification under section 101(a)(15)(U) of the Act.

ORDER: The appeal is dismissed.