



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

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

In Re: 24461939

Date: JAN. 6, 2023

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). The Director of the Vermont Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that the Petitioner had not provided a properly executed Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B) from an appropriate certifying official. The Director concurrently denied the Petitioner’s Form I-192, Application for Advance Permission to Enter as Nonimmigrant (waiver application) due to the denial of the underlying U Petition. 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 remand the matter for entry of a new decision consistent with the following analysis.

## **I. LAW**

U petitioners must establish their eligibility for U-1 nonimmigrant classification by demonstrating that they meet the requirements set forth in the Act and regulations.

Among other requirements, the Act requires U petitioners to demonstrate that they have “been helpful, [are] being helpful, or [are] likely to be helpful” to law enforcement authorities “investigating or prosecuting [qualifying] criminal activity,” as certified on a Supplement B from a law enforcement official. Sections 101(a)(15)(U)(i)(III) and 214(p)(1) of the Act. The Act defines a certifying official to include the “head of the certifying agency, or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency.” Section 214(a)(3) of the Act; 8 C.F.R. § 214.14(a)(3).

## II. ANALYSIS

The Petitioner filed a U petition, indicating that he was the victim of a felonious assault in 2016. In support of the U petition, the Petitioner included a Supplement B signed by the detective who had investigated the case.

After receipt of the U petition, the Director issued a request for evidence (RFE). In the RFE, the Director noted that the detective was not a recognized certifying official and directed the Petitioner to provide evidence to show “the individual who signed Form I-918, Supplement B, is the head of the certifying agency or a person in a supervisory role that has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of the agency.” In response, the Petitioner submitted a new Supplement B certified on May 25, 2022, by the lieutenant in charge of criminal investigations, A-A-.<sup>1</sup> This Supplement B listed Chief G-Y- as the head of the certifying agency.

After review of the RFE response, the Director denied the U Petition. The Director acknowledged receipt of the updated Supplement B but found that the Petitioner had failed to provide evidence showing the lieutenant, A-A-, was either the head of the agency or specifically designated by the agency head to issue certifications.

On appeal, the Petitioner argues that A-A- was an appropriately designated certifying official. In support of this argument, the Petitioner submits two letters. The first, signed by A-A-, concedes that the detective was not authorized to certify Supplement B requests by the chief of police, but asserts that he is the authorized representative for the agency. The second letter, signed by Chief G-Y-, indicates the “certifying official for I-918 Supplement B (U-visa) requests is the Detective Lieutenant of the Criminal Investigations Division for the [REDACTED] Police Department. Lieutenant [A-A-] has been assigned to this position since November 2020.”

These letters were not provided to the Director before the initial decision was issued. Because the Petitioner has submitted new, material evidence on appeal that is directly related to the Director’s decision to deny the case, we will remand the case to the Director for further consideration of the Petitioner’s eligibility and the issuance of a new decision on the U petition and the waiver application.

**ORDER:** The matter is remanded to the Director for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

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<sup>1</sup> We use initials to protect the identity of individuals.