



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

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

In Re: 24584362

Date: JAN. 23, 2023

Appeal of Nebraska Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification as a victim of qualifying criminal activity 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 Nebraska Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition). The Director concluded that the Petitioner did not submit a timely executed Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B) signed within six months immediately preceding the submission of the U petition. On appeal, the Petitioner submits a copy of the Director’s decision. The Petitioner’s Form I-290B, Notice of Appeal or Motion, indicates that an appeal brief would be separately filed. As of the date of this decision, no appeal brief has been received. Therefore, we rely on the statement of error contained in the Form I-290B. 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.

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 credible and reliable 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 Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), from a law enforcement official certifying the petitioner’s credible and reliable information regarding, and 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 Supplement B must be signed by the relevant law enforcement official “within the six months immediately preceding the filing of the U petition.” 8 C.F.R. § 214.14(c)(2)(i).

II. ANALYSIS

The Petitioner filed the U petition on September 19, 2016, after suffering physical abuse during a domestic violence incident. A Supplement B signed by the [] Police Department on March 17, 2016, accompanied the U petition. The Director issued a request for evidence (RFE), advising the Petitioner that the Supplement B provided was not signed within the six months immediately preceding the filing of the U petition. Therefore, the Petitioner was notified that an updated or newly-issued Supplement B was needed.

In response to the RFE, the Petitioner asserted that the U petition and accompanying Supplement B were filed within the appropriate timeframe because the end of the six-month period, September 17, 2016, fell on a Saturday. This caused the deadline to receive the Supplement B to shift to the next available business day, which was Monday, September 19, 2016. In support of this claim, the Petitioner referenced 8 C.F.R. § 1.2, which defines the term day. This section provides that when computing the period of time for taking an action before the Department of Homeland Security (DHS), a day includes weekends and legal holidays, except that “when the last day of the period computed falls on a Saturday, Sunday, or legal holiday, the period shall run until the end of the next day which is not a Saturday, Sunday, or a legal holiday.” *Id.*

The Director denied the petition, concluding that the Petitioner did not establish that U.S. Citizenship and Immigration Services (USCIS) received the Supplement B within six months of the date that it was signed, as required. On appeal, the Petitioner reiterates the argument made before the Director in response to the RFE, contending that the Supplement B was properly executed and should be considered timely filed.

Upon review, 8 C.F.R. § 1.2 is inapplicable to the Supplement B, as it pertains to the computation of days in determining whether certain actions taken before DHS, and by extension USCIS, fall within a required timeframe. On the other hand, 8 C.F.R. § 214.14(c)(2)(i) states that the Supplement B must be “signed by a certifying official within the six months immediately preceding the filing of [the U petition].” This section describes the initial evidence requirements for a U petition. The regulation plainly indicates that a Supplement B that is not signed within the six-month period prior to the filing of the U petition does not satisfy initial evidence requirements. *Id.*; *see also* New Classification for Victims of Criminal Activity; Eligibility for “U” Nonimmigrant Status, 72 Fed. Reg. 53014, 53023 (Sept. 17, 2007) (explaining that the six-month requirement was established to “seek a balance between encouraging the filing of petitions and preventing the submission of stale certifications.”). USCIS instructs law enforcement officials that the Supplement B “will be valid for six months from the date of signature” and that an individual failing to file within six months “will need to obtain a new Supplement B from the certifying agency.” USCIS, *Instructions for Supplement B, U Nonimmigrant Status Certification*, <https://www.uscis.gov/sites/default/files/document/forms/i-918supbinstr.pdf>. Here, the record shows that the Supplement B did not satisfy initial evidence requirements, because at the time of filing the U petition on September 19, 2016, more than six months had passed since the signing of the Supplement B on March 17, 2016.

Consequently, while we acknowledge the unfortunate impact of the domestic violence incident, the Petitioner has not complied with 8 C.F.R. § 214.14(c)(2)(i) by providing a timely-certified Supplement B and is therefore ineligible for U-1 classification.

ORDER: The appeal is dismissed.