



U.S. Citizenship
and Immigration
Services

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 17875192

Date: FEBRUARY 3, 2022

Appeal of Vermont Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks “U-1” nonimmigrant classification under 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). The matter is now before us on appeal. On appeal, the Petitioner submits a brief and additional evidence. 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 to the Director.

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 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. The burden of proof is on a petitioner to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

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 that the petitioner possesses information concerning the qualifying criminal activity and has been, is being, or is likely to be helpful in the investigation or prosecution of it.¹ Section 214(p)(1) of the Act; 8 C.F.R. § 214.14(c)(2)(i).

II. ANALYSIS

The Petitioner filed his U petition in [] 2015 with a Supplement B signed and certified by the “Desk Duty Officer” of the [] New York Police Department (certifying official). In

¹ The Supplement B also provides factual information concerning the criminal activity, such as the specific violation of law that was investigated or prosecuted, and gives the certifying agency the opportunity to describe the crime, the victim’s helpfulness, and the victim’s injuries.

a February 2020 request for evidence (RFE), the Director requested that the Petitioner submit documentation demonstrating that the certifying official listed on the Supplement B is an authorized signatory of U nonimmigrant status certifications for the [REDACTED] New York Police Department or a newly executed Supplement B signed by a qualifying certifying official. In May 2020, citing COVID-19 delays and New York's shelter in place orders, the Petitioner requested additional time to respond to the RFE.

In January 2021, the Director denied the U petition concluding that the record did not contain a properly executed Supplement B signed by a certifying official. With respect to the Petitioner's request for additional time to respond to the RFE due to COVID-19 restrictions, the Director acknowledged that USCIS has issued extended flexibility guidance, extending time for filing certain immigration forms and responding to USCIS notices from 30 days to 60 days. However, the Director stated that at the time of the denial decision, seven months after issuance of the RFE, the Petitioner had yet to submit a response, which was well outside of the 60 days allowed by USCIS COVID flexibilities.

On appeal, the Petitioner submits, *inter alia*, a February 2021 Qualifying Crime Information statement from the Chief of Police of the [REDACTED] New York Police Department, on official letterhead, indicating that the certifying official listed on the original Supplement B is an authorized signatory of U nonimmigrant status certifications for the [REDACTED] New York Police Department. In addition, the statement refers to, and the Petitioner submits, a copy of the original Supplement B "signed by the Chief of Police to confirm its authenticity." In September 2021, the Petitioner also submitted a newly executed Supplement B signed by Chief of Police of the [REDACTED] New York Police Department.

With this new evidence, the Petitioner has overcome the Director's ground for denial of his U petition in that he has established by a preponderance of the evidence that the record contains a Supplement B properly executed by a certifying official as required by 8 C.F.R. § 214.14(c)(2)(i). Therefore, we will remand the matter to the Director to consider whether the Petitioner has otherwise established eligibility for U nonimmigrant classification under section 101(a)(15)(U)(i) of the Act.

ORDER: The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.