



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

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

In Re: 23330624

Date: NOV. 30, 2022

Appeal of Vermont 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 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 asserts his eligibility for U nonimmigrant status and submits additional evidence. We review the questions in this matter *de novo*. See *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

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.*

A “victim of qualifying criminal activity” is defined as an individual who has “suffered direct and proximate harm as a result of the commission of qualifying criminal activity.” 8 C.F.R. § 214.14(a)(14). “Qualifying criminal activity” is “that involving one or more of” the 28 types of crimes listed at section 101(a)(15)(U)(iii) of the Act or “any similar activity in violation of Federal, State, or local criminal law.” Section 101(a)(15)(U)(iii) of the Act; 8 C.F.R. § 214.14(a)(9). The term “‘any similar activity’ refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities” at section 101(a)(15)(U)(iii) of the Act. 8 C.F.R. § 214.14(a)(9).

U.S. Citizenship and Immigration Services (USCIS) has sole jurisdiction over U petitions, and petitioners bear the burden of proof 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)(1),(4); *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). As a part of meeting this burden, petitioners must submit a Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), from a law enforcement official certifying their 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). Petitioners must also provide a statement

describing the facts of their victimization as well as any additional evidence they want USCIS to consider to establish that they are victims of qualifying criminal activity and have otherwise satisfied the remaining eligibility criteria. 8 C.F.R. § 214.14(c)(2)(ii). Although petitioners may submit any evidence for the agency to consider, USCIS determines, in its sole discretion, the credibility of and weight given to all of the evidence, including the Supplement B. Section 214(p)(4) of the Act; 8 C.F.R. § 214.14(c)(4).

II. ANALYSIS

The Petitioner, a citizen of Peru, filed the instant U petition in March 2022. The Director denied the U petition for lack of initial required evidence, as the petition was not accompanied by a Supplement B, among other evidentiary requirements including a statement describing the facts of his victimization.

On appeal, the Petitioner submits a new personal statement asserting that he has been a victim of assault in his workplace and that he previously submitted the required statement. He contends that he called the police about this incident, who told him he could take the claimed perpetrator to court. He also claims he has been fired from that job and is still paying the consequences as he is depressed, is not able to work, and cannot get insurance to take care of his health. In his statement, he notes the requirement for U petitioners to obtain a certification from law enforcement. He also submits a police report, a letter from his former employer, and a doctor's letter.

The Petitioner has not overcome the reasons for the Director's denial on appeal. 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, the Petitioner is not eligible for U nonimmigrant status under section 101(a)(15)(U) of the Act.

Since this finding is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's other arguments on appeal. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible). However, we acknowledge that the Petitioner did submit a statement with his U petition describing his victimization, therefore, the Director's finding to the contrary is withdrawn.

In conclusion, the Petitioner filed his U petition without including, as required initial evidence, a properly executed Supplement B, as section 214(p)(1) of the Act and 8 C.F.R. § 214.14(c)(2)(i) require. Accordingly, the Petitioner has not established her eligibility for U nonimmigrant status under section 101(a)(15)(U) of the Act.

ORDER: The appeal is dismissed.