



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

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

In Re: 22660400

Date: NOV. 30, 2022

Appeal of Nebraska Service Center Decision

Form I-918, Petition for U Nonimmigrant Status

The Petitioner seeks U 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 Nebraska Service Center denied the Petitioner's Form I-918, Petition for U Nonimmigrant Status, concluding that the Petitioner did not establish that she was the victim of a qualifying crime or criminal activity substantially similar to a qualifying crime, or that she suffered substantial physical or mental abuse. The matter is now before us on appeal. Upon *de novo* review, we will dismiss the appeal.

I. LAW

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.

II. ANALYSIS

The Petitioner filed her Form I-918 with a Supplement B signed and certified by the Major of Field Operations for the [redacted] Police Department in North Carolina (certifying official). The certifying official indicated that in [redacted] 2013, the Petitioner was the victim of criminal activity involving or similar to "Other: Robbery," but did not cite to any specific statutory citation for the criminal activity investigated or prosecuted as perpetrated against the Petitioner. When asked to provide a description of the criminal activity being investigated or prosecuted, the certifying official referred to an attached police report that described the crime associated with the 2013 incident as "Common Law Robbery."

The Director issued a notice of intent to deny indicating that the Petitioner had not established she had suffered substantial physical or mental abuse, or that she was the victim of a qualifying crime or criminal activity substantially similar to a qualifying crime. In response, the Petitioner submitted a new Supplement B signed and certified by the Chief of Police for the [redacted] Police Department (new certifying official). The new certifying official indicated that the Petitioner was the victim of criminal activity involving or similar to felonious assault and cited to section 14-87 of the North Carolina

General Statutes Annotated (N.C. Gen. Stat. Ann.), which was titled “Robbery with firearms or other dangerous weapons,” as the specific statutory citation investigated or prosecuted. A copy of a previously-filed police report was appended to the new Supplement B, but it contained no updates to the description of the crime. With the response, the Petitioner claimed that she was the victim of section 14-87 of the N.C. Gen Stat. Ann. which constituted a felonious assault, that alternatively she was the victim of common law assault which was substantially similar to a felonious assault, and that she suffered substantial physical or mental abuse.

The Director denied the Form I-918 finding that the Petitioner was the victim of common law robbery, but that she had not met her burden of establishing that she was the victim of qualifying criminal activity or criminal activity substantially similar to a qualifying crime, or that she suffered substantial physical or mental abuse.

On appeal, the Petitioner concedes that she was the victim of common law robbery, states that she was unable to afford psychological treatment, and generally asserts that she is otherwise eligible for U nonimmigrant classification. In support of her appeal, the Petitioner submitted an article that discusses mental health and immigration.

We note that prior to her appeal, the Petitioner had argued that she was the victim of robbery with a firearm under section 14-87 of the N.C. Gen. Stat. Ann., and that this crime was a felonious assault or alternatively that it was substantially similar to a felonious assault. On appeal, however, the Petitioner does not claim she was the victim of section 14-87 of the N.C. Gen. Stat. Ann. and instead concedes that she was the victim of common law robbery, which is consistent with the Director’s decision. The Petitioner does not claim on appeal that common law robbery is a qualifying criminal activity or is substantially similar to a qualifying criminal activity, nor does she identify any error in the Director’s decision that she had not established substantial physical or mental abuse. While we acknowledge the Petitioner’s claim that she was the victim of a robbery and the psychological effects she has suffered as a result, absent evidence that she was the victim of qualifying criminal activity she cannot meet the requirements for U nonimmigrant classification.

ORDER: The appeal is dismissed.