



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

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

In Re: 23694718

Date: MAY 12, 2023

Appeal of Nebraska 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 Nebraska Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that the record did not establish that the Petitioner had suffered substantial physical or mental abuse as a result of having been the victim of qualifying criminal activity. 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.

We issued a notice of intent to dismiss (NOID) on December 19, 2022, explaining that the Petitioner had not established that he was a victim of qualifying criminal activity, a predicate requirement to establishing the remaining eligibility criteria for U nonimmigrant classification under section 101(a)(15)(U) of the Act. In our NOID, we explained the basis for our determination and provided the Petitioner with an opportunity to rebut derogatory information in the record of proceeding. Specifically, we explained that the record did not demonstrate that the law enforcement agency that provided the Petitioner with Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B) had detected, investigated, or prosecuted qualifying criminal activity. *See* sections 101(a)(15)(U)(i)(III) and 214(p)(1) of the Act (requiring 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”).

We provided the Petitioner 33 days to rebut this finding. USCIS has granted flexibility with respect to responding to agency notices such as NOIDs due to the coronavirus pandemic. Consistent with USCIS guidance, we accept responses up to 60 calendar days after the due date set forth in the notice for notices issued between March 1, 2020, and March 23, 2023. *See* USCIS Alert, “USCIS Extends COVID-19-related Flexibilities,” (Jan. 24, 2023), <https://www.uscis.gov/newsroom/alerts/uscis-extends-covid-19-related-flexibilities-1>.

As of the date of this decision, we have not received a response. A benefit request may be denied as abandoned, denied based on the record, or denied for both reasons if an applicant does not respond to a request for evidence or a notice of intent to deny by the required date. 8 C.F.R. § 103.2(b)(13)(i). Here, the Petitioner did not timely respond to the NOID in the time period allowed in the notice or within the extension period allowed by USCIS. Furthermore, as discussed in the NOID, the Petitioner has not established eligibility for U-1 nonimmigrant classification under section 101(a)(15)(U) of the Act. The appeal will be dismissed for abandonment and also based on the record.

ORDER: The appeal is dismissed.