



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

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

In Re: 26665586

Date: MAY 23, 2023

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. *See* 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 U-1 nonimmigrant classification affords nonimmigrant status to victims of certain crimes who assist authorities investigating or prosecuting the criminal activity.

The Director of the Vermont Service Center denied the Form I-918, Petition for U Nonimmigrant Status (U petition), concluding that the Petitioner did not submit a properly executed Form I-918 Supplement B, U Nonimmigrant Status Certification (Supplement B), and a statement describing his victimization as a result of the qualifying criminal activity, with the U petition. The matter is now before us on appeal. On appeal, the Petitioner submits a brief and copies of previously provided evidence.

The Applicant 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 information concerning the qualifying criminal activity, have been helpful, are being helpful, or are likely to be helpful to law enforcement authorities investigating or prosecuting the qualifying criminal activity, and that the qualifying criminal activity occurred in the United States or its territories or possessions. Section 101(a)(15)(U)(i) of the Act.

A U petition must be filed with a Supplement B from a law enforcement official certifying that the petitioner was a victim of qualifying criminal activity that the certifying agency is investigating or prosecuting, possesses information about the crime, and “has been, is being, or is likely to be helpful” in the investigation or prosecution of the crime. 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, a native and citizen of the Dominican Republic, filed his U petition on October 5, 2020, after receiving a death threat subsequent to the kidnapping and murder of his nephew. With his U petition, he provided a Supplement B signed on March 11, 2020, by an official from the [redacted] Police Department (certifying agency). In August 2022, the Director denied the U petition, concluding that the Petitioner did not submit a properly executed Supplement B and a statement describing his victimization as a result of the qualifying criminal activity, as required.

On appeal, the Petitioner asserts that the U petition was filed with the Supplement B and submits copies of previously provided evidence. He states that in July 2020 he initially submitted the U petition, along with the Supplement B; U.S. Citizenship and Immigration Services (USCIS) issued a rejection notice in August 2020 requesting complete answers to certain questions; he made the corrections and again submitted the U petition in September 2020; USCIS issued a second rejection notice; and on October 5, 2020, USCIS accepted the Petitioner’s third submission of the U petition.

8 C.F.R. § 214.14(c)(2)(i) provides that a Supplement B must be “signed. . . within the six months immediately preceding the filing of the [U petition.]” The regulation 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. *See* 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 if an individual does not file the U petition within six months, they “will need to obtain a new Supplement B from the certifying agency.” *Instructions for Supplement B, U Nonimmigrant Status Certification*, <https://www.uscis.gov/sites/default/files/document/forms/i-918supbinstr.pdf>. In addition, 8 C.F.R. § 214.14(c)(2)(iii) states that initial evidence must include a “signed statement by the petitioner describing the facts of the victimization.”

Here, the record shows that the Petitioner did not meet initial evidence requirements. Though the record reflects the U petition was submitted with the Supplement B, the filing date for the U petition, October 5, 2020, was not within six months from the date the Supplement B was signed, March 11, 2020.<sup>1</sup> Further, the record does not include a statement from the Petitioner describing his victimization as a result of the qualifying criminal activity. In the absence of a personal statement and a timely executed Supplement B, the Petitioner did not satisfy initial evidence requirements, and we lack the authority to waive the requirements of the regulations. *See United States v. Nixon*, 418 U.S. 683, 695-96 (1974) (holding that both governing statutes and their implementing regulations hold “the force of law” and must be adhered to by government officials). The Petitioner did not comply with 8 C.F.R. § 214.14(c)(2)(i) and (iii) and is therefore ineligible for U-1 nonimmigrant classification on this basis.

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<sup>1</sup> *See* 8 C.F.R. § 103.2(a)(7)(ii) (noting that benefit requests rejected by USCIS do not retain a filing date).

**ORDER:** The appeal is dismissed.