

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

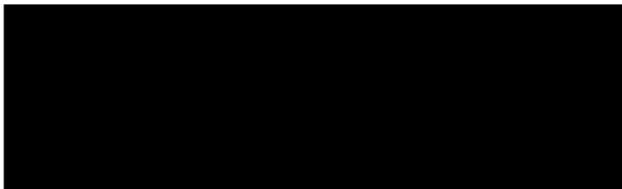
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

D14



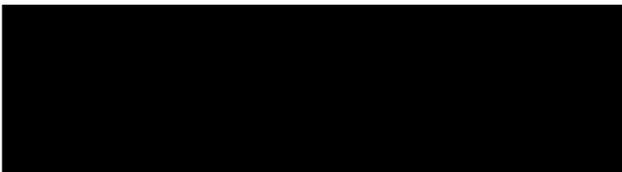
FILE: [Redacted] Office: VERMONT SERVICE CENTER

Date: JUL 26 2010

IN RE: Petitioner: [Redacted]

PETITION: Petition for U Nonimmigrant Classification as a Victim of a Qualifying Crime Pursuant to Section 101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U)

ON BEHALF OF PETITIONER:

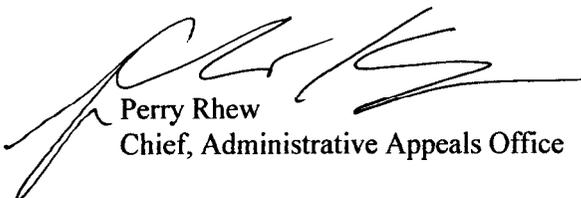


INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the nonimmigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks nonimmigrant classification under section 101(a)(15)(U) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. § 1101(a)(15)(U), as an alien victim of certain qualifying criminal activity.

On January 22, 2010, the director denied the petition because the petitioner failed to submit a completed Form I-918 Supplement B, U Nonimmigrant Status Certification, and to establish the other eligibility criteria. Counsel submitted a timely appeal on February 24, 2010, stating that a brief or other evidence would be submitted to the AAO within 30 days. As of this date, however, we have not received any additional evidence to supplement the record. The record is, therefore, considered complete and ready for adjudication.¹

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides for the summary dismissal of an appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Here, counsel maintains that the director made unspecified errors in denying the petition, but counsel does not present any evidence or specific arguments in rebuttal to the director's stated reasons for denial. Upon review, we find that the director adequately considered the evidence in the record and provided reasoned analyses of why the petitioner failed to establish eligibility for the benefit he is seeking. Accordingly, the petitioner's appeal shall be summarily dismissed for failing to specify an erroneous conclusion of law or statement of fact.

As in all visa petition proceedings, the petitioner bears the burden of proving his eligibility for U nonimmigrant status. Section 291 of the Act, 8 U.S.C. § 1361; 8 C.F.R. § 214.14(c)(4). Here, that burden has not been met.

ORDER: The appeal is dismissed.

¹The regulation at 8 C.F.R. § 103.3(a)(2)(viii) and the instructions to the Form I-290B require the affected party to submit the brief or evidence directly to the AAO, not to the Vermont Service Center or any other federal office.