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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

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)

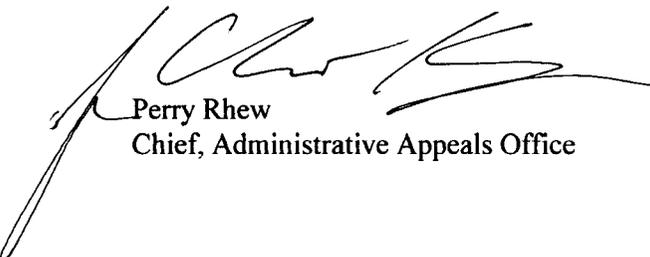
ON BEHALF OF PETITIONER:

[REDACTED]

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 December 7, 2009, the director denied the petition because the petitioner did not submit the requisite law enforcement certification or establish the other eligibility criteria. The petitioner submitted a timely appeal on December 18, 2009, stating that: (1) she has suffered substantial physical and mental abuse from the criminal activity (burglary); (2) she possesses information about the criminal activity and has been helpful to law enforcement authorities; (3) the officers at the police precinct refused to sign a U Nonimmigrant Status Certification (Form I-918, Supplement B) on her behalf; and (4) burglary is part of a complex problem that she experienced in her neighborhood. Although the petitioner indicated on the Form I-290B that a brief or additional evidence was attached, no additional evidence was submitted.

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, the petitioner does not present any evidence or arguments in rebuttal to the director's stated reasons for denying the petition. 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 she 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 her 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.