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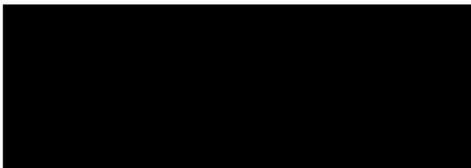
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

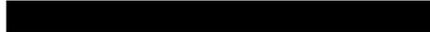


Office: VERMONT SERVICE CENTER

Date SEP 22 2010

IN RE:

Petitioner:



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 U 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 March 15, 2010, the director denied the Form I-918, Petition for U Nonimmigrant Status, because the petitioner did not establish that: (1) the offense of which the petitioner was a victim was a qualifying crime or criminal activity; (2) she suffered substantial physical or mental abuse as the result of having been a victim of a qualifying crime or criminal activity; (3) she possesses credible and reliable information establishing that she has knowledge of the details concerning the qualifying crime or criminal activity upon which her petition is based; (4) she has been helpful, is being helpful, or is likely to be helpful to the certifying agency in the investigation or prosecution of the qualifying criminal activity upon which her petition is based; and (5) the qualifying criminal activity occurred in the United States (including Indian country and U.S. military installations) or violated U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court.

The petitioner timely submits a Form I-290B, Notice of Appeal and checks the box on the Form I-290B indicating that her brief and/or additional evidence is attached. The record on appeal includes no further evidence or brief. The petitioner states on the Form I-290B:

The crime happened as evidenced by the supporting affidavits on file. The crime was not reported.

The record is considered complete.

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, in pertinent part: "An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

In this matter, neither counsel nor the petitioner submits any further evidence or argument establishing that the beneficiary in this matter is eligible for a U nonimmigrant visa. As the petitioner in this matter has not provided further evidence or argument sufficient to overcome the director's determination in this matter, the appeal must be summarily dismissed.

The petition will be denied for the stated reasons set out in the director's decision. In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.