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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship and Immigration Services

PUBLIC COPY

[Redacted]

B14

FILE: [Redacted] Office: VERMONT SERVICE CENTER Date: **MAR 31 2011**

IN RE: [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 APPLICANT:

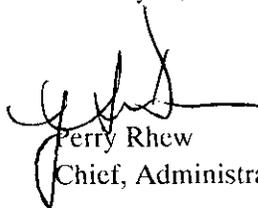
[Redacted]

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 \$630. 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 Petition for U Nonimmigrant Status (Form I-918) and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

On November 23, 2009, the director issued a request for further evidence (RFE) to establish that the petitioner was the victim of a qualifying crime or criminal activity; she suffered substantial physical or mental abuse as the result of the commission of qualifying criminal activity; she possesses credible and reliable information establishing that she has knowledge of the details concerning a qualifying criminal activity upon which her petition is based; she has been helpful, is being helpful, or is likely to be helpful to the certifying agency in the investigating or prosecuting of the qualifying criminal activity upon which her petition is based; and the qualifying criminal activity described occurred in the United States or violated U.S. federal law that provides for extraterritorial jurisdiction. *See Director's Request for Further Evidence*, dated November 23, 2009. The record indicates that the applicant failed to provide any response to the director's request for further evidence. Accordingly, the director denied the petition due to abandonment. *See Director's Decision*, dated February 24, 2010.

The regulation at 8 C.F.R. § 103.2(b)(13)(i) provides that if all requested initial evidence is not submitted by the required date, the petition shall be considered abandoned and, accordingly, shall be denied. The regulation at 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but a petitioner may file a motion to reopen under 8 C.F.R. § 103.5.

Here, the petitioner did not file a motion to reopen; as indicated on the Form I-290B, Notice of Appeal or Motion, she filed an appeal. As a denial due to abandonment may not be appealed to the AAO, the appeal must be rejected.

ORDER: The appeal is rejected.