

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



8/14

FILE:



Office: VERMONT SERVICE CENTER

Date:

MAR 31 2011

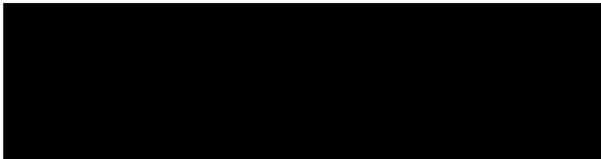
IN RE:

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 \$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 summarily dismissed.

The director denied the petition because the petitioner did not establish that she 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 occurred in the United States or violated U.S. federal law that provides for extraterritorial jurisdiction. *Decision of the Director*, dated July 26, 2010.

The record reflects that, on August 27, 2010, counsel filed a Notice of Appeal (Form I-290B). On the Form I-290B, counsel indicated that he would forward additional evidence and/or a brief within thirty days. The regulation at 8 C.F.R. § 103.3(a)(2)(viii) and the instructions to 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. The record does not contain the brief and/or evidence that counsel indicated would be submitted to the AAO. Accordingly the record is complete.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states in pertinent part:

Summary dismissal. 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.

On appeal, counsel fails to identify either on the Form I-290B or through submission of a brief or evidence any erroneous conclusion of law or statement of fact made by the director. The applicant's appeal will therefore be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is dismissed.