

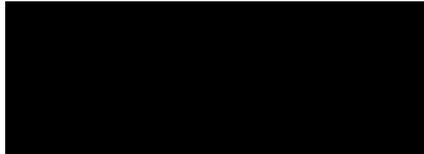
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



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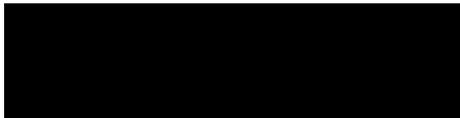
Date: **APR 20 2012** Office: VERMONT SERVICE CENTER

FILE: 

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:

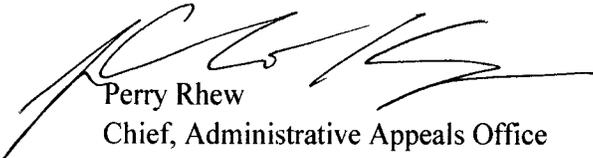


INSTRUCTIONS:

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 U petition) and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

On March 22, 2011, the director found that the petitioner did not establish that she had been the victim of a qualifying crime or criminal activity and she did not establish that she suffered substantial physical or mental abuse as the result of such victimization. While the director found that the petitioner was the victim of a crime substantially similar to witness tampering, the director determined that the petitioner failed to demonstrate that the witness tampering was committed at least in principal part, as a means: (1) to avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring the perpetrator to justice for other criminal activity; or (2) to further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system. Consequently, the petitioner did not meet the definition of a victim of witness tampering for U nonimmigrant classification at 8 C.F.R. § 214.14(a)(14)(ii). The director denied the Form I-918 U petition accordingly.

On April 25, 2011, counsel filed a Notice of Appeal (Form I-290B), along with a brief and additional documentation.

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 contends that the petitioner suffered substantial physical and mental abuse as a result of witness intimidation and provides psychological documentation and supporting letters. Counsel fails to address the director's determination that the petitioner did not meet the regulatory definition of a victim of witness tampering at 8 C.F.R. § 214.14(a)(14)(ii) and consequently was ineligible for U nonimmigrant classification pursuant to subsection 101(a)(15)(U)(i) of the Act. The applicant's appeal will therefore be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

**ORDER:** The appeal is summarily dismissed.