

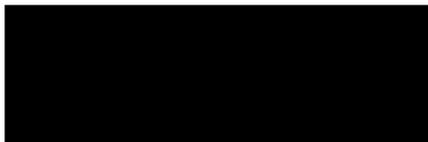
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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Date: **JAN 18 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 (“the director”), 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 petition will remain denied.

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.

The director denied the petition because the petitioner was not the victim of qualifying criminal activity and she, therefore, was unable to meet the eligibility criteria for U nonimmigrant classification at section 101(a)(15)(U)(i) of the Act. On appeal, the petitioner through counsel submits a letter from the petitioner’s therapist. On the Notice of Appeal (Form I-290B), counsel states that the director “erred while reviewing the law and facts of the case,” but counsel cites no specific legal or factual error in the director’s decision.

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 director adequately addressed the evidence and the bases for his conclusion that the petitioner was not a victim of qualifying criminal activity. Although she disagrees with the director’s decision, counsel does not demonstrate through the submission of any evidence or arguments in rebuttal that the director made an erroneous conclusion of law or statement of fact in his denial decision. The petitioner’s submission of a letter from her therapist on appeal relates only to the eligibility criterion at section 101(a)(15)(U)(i)(I) of the Act (substantial mental or physical abuse), and does not address the fundamental issue in this proceeding that the crime of which the petitioner was a victim is neither a qualifying crime nor substantially similar to one of the enumerated crimes at section 101(a)(15)(U)(iii) of the Act.

As in all visa petition proceedings, the petitioner bears the burden of proving 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. Accordingly, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed. The petition remains denied.