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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



D14

Date:

JAN 19 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:

SELF-REPRESENTED

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 Form I-918 U petition because the petitioner failed to submit required initial evidence, namely a law enforcement certification (U Nonimmigrant Status Certification, Form I-918 Supplement B) as required by section 214(p)(1) of the Act, 8 U.S.C. § 1184(p)(1). On appeal, the petitioner states that she did not submit a law enforcement certification because she is incarcerated and she never received back the U Nonimmigrant Status Certification, Form I-918 Supplement B, that she mailed to the Los Angeles County, California Sheriff’s Department for completion. The petitioner explains that when she filed her Form I-918 U petition, she submitted a copy of a police report regarding a domestic violence incident between her and the father of her son.

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. The petitioner’s appeal shall be summarily dismissed because she has not demonstrated that the director made an erroneous conclusion of law or statement of fact in his denial decision. Pursuant to section 214(p)(1) of the Act, and as explained in 8 C.F.R. § 214.14(c)(2)(i), a law enforcement certification, which is a U Nonimmigrant Status Certification, Form I-918 Supplement B, must accompany a Form I-918 U petition. Here, the petitioner has not submitted such required evidence. The AAO recognizes the difficulties that a petitioner may face in obtaining a law enforcement certification; however, U.S. Citizenship and Immigration Services (USCIS) lacks the authority to waive the statutory requirement for the certification at section 214(p)(1) of the Act.

As in all visa petition proceedings, the petitioner bears the burden of proving her 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.