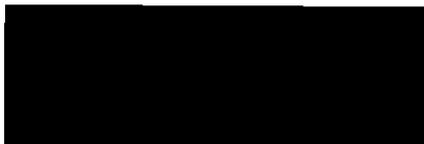


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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



D14

Date: **JUL 05 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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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 December 7, 2011, the director found that the petitioner had already been granted U nonimmigrant status on October 4, 2011.¹ The director denied the Form I-918 accordingly. *Decision of the Director.*

The record reflects that, on December 16, 2011, the petitioner filed a Notice of Appeal (Form I-290B) along with a cover letter, copy of instructions for filing a Petition for Qualifying Family Member of a U-1 Recipient (Form I-918 Supplement A) and a photocopy of a list of documents purportedly submitted by the petitioner on behalf of his spouse.

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, the petitioner states that he disagrees with the decision while conceding that the director properly applied the law. The petitioner asserts that he filed the Form I-918 as part of a packet of documents filed on behalf of his spouse in connection with a Form I-918 Supplement A and that he wishes to appeal the decision so that his spouse may be granted derivative U status. The petitioner does not make any further arguments in regard to the basis for his appeal. The petitioner 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 in regard to the director's finding that the petitioner the petitioner had already been granted U nonimmigrant status. The petitioner's appeal will therefore be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is dismissed.

¹ Pursuant to section 214(p)(5) of the Act, 8 U.S.C. § 1184(p)(5), an alien seeking U nonimmigrant status may apply for any other immigration benefit or status for which he or she may be eligible; however, U.S. Citizenship and Immigration Services (USCIS) will only grant one immigrant or nonimmigrant status at a time. *See* 72 Fed. Reg. 179, 53014-53042, 53018 (Sept. 17, 2007).