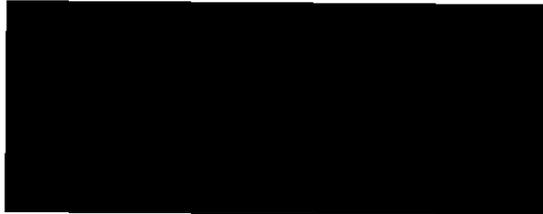


**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**  
**PUBLIC COPY**

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 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 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, or a request for a fee waiver. 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 (the director) 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 12, 2012, the director found that the petitioner did not submit the requisite Form I-918 Supplement B, U Nonimmigrant Status Certification (Form I-918 Supplement B) and that the petitioner, therefore, could not meet the eligibility criteria at section 101(a)(15)(U)(i) of the Act, 8 U.S.C. § 1101(a)(15)(U)(i). The director denied the Form I-918 accordingly.

The record reflects that, on April 16, 2012, counsel filed a Notice of Appeal (Form I-290B), along with a letter. 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 asserts that he had difficulty locating a prosecutor in the U.S. Attorney's Office to complete a Form I-918 Supplement B in regard to the smuggling which occurred in April 2002. Counsel asserts that the qualifying criminal activity occurred in Arizona and requests an additional thirty days in which to submit the Form I-918 Supplement B. Counsel does not otherwise address the petitioner's lack of a Form I-918 Supplement B and cites no legal authority to establish that other evidence may be accepted in lieu of the Form I-918 Supplement B required by the statute at section 214(p)(1) of the Act, 8 U.S.C. § 1184(p)(1). 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 in regard to the director's finding that the petitioner failed to submit the requisite Form I-918 Supplement B and, as such, the petitioner cannot meet the eligibility criteria at section 101(a)(15)(U)(i) of the Act. 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.